



# Legislative Reports

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Alberta

The Fall sitting of the Second Session of the 27<sup>th</sup> Legislature adjourned on December 9, 2009, after 16 sitting days. At the conclusion of the sitting, 16 Government Bills and one Private Members' Public Bill had been passed by the Assembly.

In the first week of the Fall sitting the Assembly debated a motion regarding the issue of Alberta Capital Bonds which would be used to support the development of infrastructure projects and facilities. Capital bonds were previously issued in Alberta from 1987 to 1997. While the motion did not come to a vote in the Assembly, there was a wide ranging debate surrounding Alberta's current economic picture and capital plan.

A notable Bill passed during the Fall sitting was *Bill 50, Electric Statutes Amendment Act, 2009*. The Bill was introduced in June 2009 during the Spring sitting of the Legislative Assembly and carried over to the Fall sitting. The amendments to legislation contained in Bill 50 give the government the authority to approve transmission infrastructure projects based on recommendations of

the Alberta Electric System Operator, a nonprofit body with the responsibility of ensuring that Alberta's electricity system operates in the public interest of all Albertans. The opposition expressed a great deal of concern over the financial impact the upgrades would have on Albertans. A reasoned amendment and the previous question were moved during Second Reading consideration. A hoist amendment was also moved during Third Reading.

On November 2, 2009, **Brian Mason** (ND, Edmonton-Highlands-Norwood) requested leave to move, pursuant to Standing Order 30, that the ordinary business of the Assembly be adjourned for an emergency debate regarding the Government's inadequate preparations for the pandemic H1N1 influenza program. Speaker **Ken Kowalski** ruled that the request for leave was in order. He indicated that he understood that many Albertans had questions with respect to this matter and noted that a similar debate was also being held in the Canadian House of Commons that same day. The last Standing Order 30 application to proceed in the Assembly was in November 2007.

## **New Chief Electoral Officer and Auditor General Search Committee**

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On November 25, 2009, the Assembly passed a motion to concur with the appointment

of **Brian Fjeldheim** as Chief Electoral Officer as recommended in the November 2009 report of the Select Special Chief Electoral Officer Search Committee. Mr. Fjeldheim had previously served as Chief Electoral Officer from October 1998 to November 2005.

On November 4, 2009, a motion to appoint a Select Special Auditor General Search Committee was passed by the Assembly following the announcement by current Auditor General **Fred Dunn** that he would be retiring February 15, 2010.

## **Wildrose Alliance Party Gains Members**

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On January 4, 2009, Progressive Conservative MLAs **Rob Anderson** (Airdrie-Chestermere) and **Heather Forsyth** (Calgary-Fish Creek) announced they would be crossing the floor to join the Wildrose Alliance. Mr. Anderson was first elected to the Assembly in March 2008 and currently serves on the Standing Committee on Public Safety and Services and the Private Bills Committee. He was also a Parliamentary Assistant and a member of the government's Treasury Board until his membership was terminated.

Ms Forsyth was first elected in 1993 and is a former Cabinet Minister. She currently serves as Chair of the Standing Committee on the Alberta Heritage Savings Trust Fund and is a member of the Standing Committee on Private Bills and the Standing

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Committee on Privileges and Elections, Standing Orders and Printing.

The Wildrose Alliance Party was formed in 2008 following the merger of the Wildrose Party and the Alberta Alliance. The Wildrose Alliance now has three seats in the Assembly and are 1 seat short of receiving recognized party status. The Wildrose Alliance also has a new party Leader, **Danielle Smith**, who was chosen on October 17, 2009, following the resignation of **Paul Hinman** (WA, Calgary-Glenmore) as Leader. Mr. Hinman had won a by election held on September, 14, 2009 following the resignation of **Ron Stevens**, former Minister of International and Intergovernmental Relations who was appointed to the Court of Queen's Bench after he resigned his seat. Mr. Hinman was the Assembly's first Wildrose Alliance Member although he previously served from 2004 to 2008 as an Alberta Alliance Member representing the constituency of Cardston-Taber-Warner.

The Progressive Conservative caucus now holds 68 of the 83 seats in the Assembly, the Liberal Official Opposition nine, the Wildrose Alliance three, the New Democrats two, with one independent Member.

### Cabinet Shuffle

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Premier **Ed Stelmach** announced a Cabinet shuffle on January 13, 2010. The number of Cabinet Members remains at 24, including the Premier.

Returning Cabinet Ministers with different portfolios include: **Ted Morton**, Minister of Finance and Enterprise; **Iris Evans**, Minister of International and Intergovernmental Relations; **Mel Knight**, Minister of Sustainable

Resource Development; **Gene Zwozdesky**, Minister of Health and Wellness; **Yvonne Fritz**, Minister of Children and Youth Services; **Jack Hayden**, Minister of Agriculture and Rural Development; **Ray Danyluk**, Minister of Infrastructure; **Hector Goudreau**, Minister of Municipal Affairs; and **Len Webber**, Minister of Aboriginal Relations.

Ministers maintaining their previous portfolios include: **Dave Hancock**, Minister of Education; **Lloyd Snelgrove**, President of the Treasury Board; **Luke Ouellette**, Minister of Transportation; **Alison Redford**, Minister of Justice and Attorney General; **Rob Renner**, Minister of Environment; **Mary Anne Jablonski**, Minister of Seniors and Community Supports; **Lindsay Blackett**, Minister of Culture and Community Spirit; **Heather Klimchuk**, Minister of Service Alberta; and **Cindy Ady**, Minister of Tourism, Parks and Recreation.

**Doug Horner**, Minister of Advanced Education and Technology also maintains his previous portfolio and has been appointed as Deputy Premier and Minister Liaison to the Canadian Armed Forces. Mr. Hancock will serve as Political Minister for Edmonton and Ms Redford as Political Minister for Calgary.

Members making their first appearance in Premier Stelmach's Cabinet include: **Frank Oberle**, Solicitor General and Minister of Public Security; **Jonathan Denis**, Minister of Housing and Urban Affairs; and **Thomas Lukaszuk**, Minister of Employment and Immigration.

Eleven Parliamentary Assistants will continue to assist Ministers with their departments' responsibilities. These assistants receive their

assignments directly from the Minister and are supported by ministry staff. They are: **Greg Weadick**, Advanced Education and Technology; **Broyce Jacobs**, Agriculture and Rural Development; **Janice Sarich**, Education; **Teresa Woo-Paw**, Employment and Immigration; **Diana McQueen**, Energy; **Cal Dallas**, Environment; **Raj Sherman**, Health and Wellness; **Manmeet Bhullar**, Municipal Affairs; **Fred Horne**, Seniors and Community Supports; **Evan Berger**, Sustainable Resource Development; and **Jeff Johnson**, Treasury Board (Oil Sands Sustainable Development Secretariat).

### Other Events

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The Electoral Boundaries Commission will be submitting an interim report to the Speaker of the Legislative Assembly in February 2010 based on its first round of public hearings which were held from mid-September to October 2009. The Commission, which was appointed on July 31, 2009, will conduct a second round of public hearings before submitting its final report by July 2010.

On October 28, 2009, Speaker Kowalski unveiled a stained glass window commemorating the 2006 celebration of 100 Years of Democracy of the Legislative Assembly of Alberta. The window, located on the east wall of the Chamber's public gallery, was a gift from the City of Edmonton.

Speaker Kowalski hosted a Remembrance Day service in the rotunda of the Legislature Building on November 3, 2009. Premier Stelmach, **David Swann**, Leader of the Official Opposition, and Mr. Mason participated in the service.

On November 18, 2009, Speaker Kowalski hosted the official launch of Athabasca University's Graduate Diploma Program in Legislative Drafting. The Legislative Assembly of Alberta was a participant in the development of the program along with the Commonwealth of Learning and Athabasca University. Information on the program can be found at [www.athabascau.ca/gdld](http://www.athabascau.ca/gdld).

The Speaker hosted a ceremony recognizing the Muslim Festival of Eid-ul-Adha in the rotunda of the Legislature Building on December 2, 2009. Eid-ul-Adha, the second of the two major Muslim holidays, means "Festival of Sacrifice" and is celebrated by all Muslims worldwide.

### Spring Sitting

The Spring sitting of the Third Session of the 27<sup>th</sup> Legislature commenced on February 4, 2010, with the Speech from the Throne.

**Micheline S. Gravel**

Clerk of Journals/Table Research



### Manitoba

The Fourth session of the 39<sup>th</sup> Legislature began on November 30, 2009 with the presentation of the NDP government's 13<sup>th</sup> Speech from the Throne. Delivered by Lieutenant-Governor **Phillip Lee**, the speech was the first since Premier **Greg Selinger** assumed the office from retiring Premier

**Gary Doer**, now Canada's Ambassador to the United States. The address identified a range of government commitments and proposals, including:

- Saying no to a harmonized sales tax (HST) due to \$400-million impact on Manitoba families.
- Increasing stimulus spending by more than 50 per cent over the previous year, supporting 1,500 projects and creating more than 12,000 direct and 10,000 indirect jobs.
- Investing \$545 million in roads and 28 bridges in 2010.
- Investing \$310-million in the schools capital program for new schools and needed renovations.
- Investing in capital projects at the University of Manitoba, University of Winnipeg, Brandon University, Collège universitaire de Saint-Boniface, University College of the North, Assiniboine Community College and Red River College.
- Committing to proceed on important health capital projects such as:
  - building a new women's hospital at the Health Science Centre site,
  - building a new birthing centre for the south end of Winnipeg,
  - building a new cancer centre for Brandon and the Westman Lab in Brandon,
- Introducing new legislative tools to stop gangs
- Providing tools to help parents prevent teens from getting involved in gangs.
- Instituting methane capture at Manitoba's large landfills.
- Investing in a buy local program to support quality Manitoba food.
- Providing support for municipalities on water and waste-water projects.

Official Opposition Leader **Hugh McFadyen's** non-confidence amendment to the Address in Reply

motion included a number of observations and commentaries on the government's plans, including:

- Failing to address the fact that Winnipeg is the country's murder capital, the child poverty capital, and Manitoba has the lowest GDP per capita in the west;
- Failing to address the high taxes that Manitoba families already pay under the current NDP Government; however the PC Caucus does support some positive initiatives in the Throne Speech, including the NDP Government's decision to avoid increasing taxes by refusing to move to a harmonized sales tax in a manner that would add to the already high taxes that Manitobans pay;
- That instead of using the last decade of general global economic prosperity to move our province forward, the NDP Government has squandered an opportunity to make Manitoba a Have Province, and has instead left a legacy of debt for Manitobans;
- That the speech reinforces the government's lack of understanding of Manitoba's agriculture sector;
- Failing to put forward a plan to provide timely access to health care for all Manitobans, to address the closure of 17 rural emergency rooms, to bring back more than 1500 doctors who have left Manitoba since the NDP Government took office, and to shorten long wait times that threaten the health and well being of all Manitobans; and
- Failing to acknowledge the lack of accountability at many of Manitoba's Crown Corporations and failure to put an end to wasteful, costly projects like the NDP-directed west side Bipole line and the NDP Government's Enhanced Driver License initiative.

In his sub-amendment to Mr. McFadyen's amendment the Independent Liberal Member,



**Jon Gerrard** identified a number of additional faults with the government's performance, including:

- Failing to address the chronic shortage of child-care workers who enter into the field of early childhood education and remain in the industry long-term and how this shortage of qualified workers is negatively impacting access to child care for Manitoba families;
- Failing to address the issue of spending hundreds of millions of taxpayers' dollars to unnecessarily remove nitrogen from the city of Winnipeg's municipal sewage and how this money would have been better directed towards assisting municipalities remove phosphorus from municipal lagoons located outside of the city of Winnipeg;
- Failing to identify that the prevention of diabetes and FASD are integral to the success and financial manageability of Manitoba's health-care system; and
- Failing to mention of the extreme erosion that's occurring along the shores of Lake Winnipeg, and that a major highway is only feet away from being washed out and isolating the community of Sagkeeng.

Following the defeat on December 9, 2009 of Mr. Gerrard's sub-amendment on a vote of yeas 18, nays 32; and the defeat of Mr. McFadyen's amendment on December 14 by a vote of yeas 19, nays 32; on December 15 the main motion carried on a vote of yeas 30, nays 18.

Auditor General **Carol Bellringer's** 2009 Report to the Legislative Assembly on the Audits of Government Operations contained recommendations regarding allowances paid to members of the Legislative Assembly. In response to this report a Bill was

introduced and passed in the House during this pre-Christmas session. Bill 2 – *The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act*, amended these acts in order to implement the Auditor General's recommendations.

The opposition raised several Matters of Urgent Public Importance during the December session. While Speaker **George Hickes** ruled that none of these matters met the criteria of urgency required under our rules, the House did consent to limited M.U.P.I. debates on a number of issues, including:

- Concern about the spread of H1N1 flu in Manitoba
- Greyhound Canada cancelling all passenger services in Manitoba
- The lockout of workers at the Tembec paper mill
- Problems with algal growth in Lake Winnipeg and Killarney Lake

The House sat until December 15, 2009 before recessing for the Holidays. The session extended for three extra days under a provision in our Rules which allows the House to sit past Thursday of the first full week in December in extraordinary circumstances. Under the terms of a Sessional Order adopted on December 14, 2009, the session will resume on March 23, 2010. The Sessional Order also specifies dates for the completion of Interim Supply, Main and Capital Supply, and sets an end date for the spring session of June 17, 2010.

**Rick Yarish**

Clerk Assistant/  
Clerk of Committees



## Newfoundland and Labrador

On November 27, 2009, **Sandy Collins**, representing the Progressive Conservative Party, was elected in the bye-election in the District of Terra Nova, the seat vacated by **Paul Oram**, former Minister of Health. The other candidates were **John Baird**, representing the Liberal Party and **Robin Brentnall** representing the New Democratic Party. Mr. Collins was sworn and took his seat in the House on December 14th.

The same day Premier **Danny Williams** announced changes to Cabinet: **Thomas Hedderson**, formerly Minister of Fisheries and Aquaculture was appointed Minister of Transportation and Works. **Clyde Jackman**, formerly Minister of Tourism, Culture and Recreation was appointed Minister of Fisheries and Aquaculture and **Terry French**, Member for Conception Bay South was appointed Minister of Tourism, Culture and Recreation. Two Parliamentary Secretaries were appointed as well: **Keith Hutchings**, Member for Ferryland, to the Minister of Health and Community Services and **Wallace Young**, Member for St. Barbe, to the Minister of Innovation, Trade and Rural Development.

## Second Session, 46th General Assembly

The Second Session of the 46th General Assembly re-convened on November 30th with the newly-elected Member for The Straits – White Bay North,

**Marshall Dean**, taking his seat for the first time.

**Darryl Kelly**, MHA for Humber Valley was appointed Deputy Chair of Committees on December 7th, replacing **Felix Collins**, Member for Placentia - St. Mary's who had been appointed Minister of Justice and Attorney General.

The House adjourned *sine die* on December 22nd having passed 23 Bills, among them two Bills relating to *Labrador Inuit Land Claims: An Act To Amend The House Of Assembly Accountability, Integrity and Administration Act* and *An Act To Amend The Members Of The House Of Assembly Retiring Pensions Act*.

Bill 46, *An Act To Amend The Labrador Inuit Land Claims Agreement Act* amends the *Labrador Inuit Land Claims Agreement Act* to incorporate changes made to the *Labrador Inuit Land Claims Agreement of 2005* to include the list of beneficiaries who may harvest on the Labrador Inuit lands and to set out the final capital transfer schedule and the final loan repayment schedule.

Bill 47 amends the *Labrador Inuit Land Claims Agreement Act* to incorporate an agreement respecting the Nunavik Inuit/Labrador Inuit Overlap Area.

Bill 53 *An Act To Amend The Members of the House of Assembly Retiring Allowances Act* amends the Act in accordance with recommendations of the Members' Compensation Review Committee. The Bill introduces new eligibility criteria for the MHA pension plan for a Member who is first elected to the House of Assembly after December 31, 2009.

Bill 54 *An Act To Amend The House Of Assembly*

*Accountability, Integrity And Administration Act* similarly to Bill 53 amends the Act to give effect to a recommendation of the Members' Compensation Review Committee. The Bill, *inter alia*, freezes MHA salaries as of June 30 until the next Review Committee is appointed.

The House is expected convene in mid-March for the prorogation of the Second Session of the 46th General Assembly and opening of the Third Session.

### **Spending Scandal Sequelae**

Former MHA **Wally Andersen**, who had pleaded guilty to charges of uttering forged documents and breach of trust, was sentenced on October 2 to 15 months for forgery and nine months for breach of trust, the sentences to be served concurrently.

Former MHA **Jim Walsh** was found guilty of two of three counts with which he had been charged in August 2007: fraud over \$5,000 and breach of trust. There was insufficient evidence for a finding of guilt on the third charge, fraud against the government. Mr. Walsh was sentenced to 22 months on January 6th.

Former MHA **Randy Collins** pleaded guilty to two of four charges laid in the spending scandal which was reported on by the Auditor General in 2006. Mr. Collins was sentenced to 21 months on a charge of fraud over \$5,000 and 18 months on a charge of fraud against the government, the sentences to be served concurrently.

Former Director of Financial Operations of the House of Assembly, **William Murray**, pleaded guilty on January 26th to four charges in connection with the spending scandal: fraud over \$5000, and three

counts of accepting rewards for consideration in connection with business relating to the government of Newfoundland and Labrador. The Crown and Defence are recommending a sentence of two years in jail, two years' probation and that Mr. Murray be ordered to pay \$177,000.00 restitution. Sentencing will take place on February 22nd.

### **Other Matters**

On December 14th Speaker **Roger Fitzgerald** tabled the report of Justice **John J. O'Neill** entitled *Independent Review and Evaluation of the Actions of Fraser March with Respect to the Decision to Remove him from the Office of the Citizens' Representative*. The Citizens' Representative had been removed following the adoption of a Resolution of the House in December of 2006 as a result of concerns raised by the Auditor General relating to the operation of the Office of the Citizens' Representative. The review concluded that Mr. March's removal had been justified.

On December 22nd, the House of Assembly, by Resolution recommended removal from office for misconduct of the Child and Youth Advocate, **Darlene Neville**. Ms. Neville had been suspended by the Lieutenant Governor in Council in August because of concerns relating to the operations of her office.

On February 5, 2010, **Elizabeth Marshall** resigned her seat having been named to the Senate by Prime Minister **Stephen Harper**.

**Elizabeth Murphy**  
Clerk Assistant



## Nunavut

The 2nd Session of the 3rd Legislative Assembly of Nunavut reconvened on November 24, 2009. Eleven bills were passed by the Legislative Assembly during its fall sitting:

- Bill 3, *Western Canada Lottery Act*;
- Bill 6, *Supplementary Appropriation (Operations and Maintenance) Act*, No. 5, 2007-2008;
- Bill 7, *Supplementary Appropriation (Operations and Maintenance) Act*, No. 4, 2008-2009;
- Bill 8, *Appropriation (Capital) Act*, 2010-2011;
- Bill 9, *Supplementary Appropriation (Operations and Maintenance) Act*, No. 1, 2009-2010;
- Bill 10, *Supplementary Appropriation (Capital) Act*, No. 2, 2009-2010;
- Bill 11, *The Order of Nunavut Act*;
- Bill 12, *Northern Employee Benefits Services Pension Plan Protection Act*;
- Bill 13, *An Act to Amend the Retirement Plan Beneficiaries Act*;
- Bill 18, *Language Statutes Amendment Act*; and
- Bill 19, *An Act to Amend the Child and Family Services Act*.

Bill 11, which was introduced by Iqaluit West MLA **Paul Okalik**, was the first Private Member's Bill to have been considered by the Legislative Assembly. The motions for first and second readings of the Bill were seconded by Quttiktuq MLA **Ron Elliott**. The Bill passed without opposition. *The Order of Nunavut Act* came into force on January 1, 2010.

The legislation establishes the Order of Nunavut. The objective of the Order is to recognize individuals who have made outstanding contributions to the cultural, social or economic well-being of the territory. The Commissioner of Nunavut is the Chancellor of the Order. The Order of Nunavut Advisory Council will make recommendations to the Commissioner for persons to be invested into the Order. The Council is chaired by the Speaker of the Legislative Assembly. Its other members are the Senior Judge of the Nunavut Court of Justice and the President of Nunavut Tunngavik Incorporated. The Clerk of the Legislative Assembly will serve as Secretary to the Council.

A number of substantive motions were passed during the fall sitting of the House. On November 26, 2009, South Baffin MLA **Fred Schell** was appointed a Deputy Chairperson of the Committee of the Whole, following the resignation of Nattilik MLA **Enuk Pauloosie** from the position.

On November 27, 2009, Akulliq MLA **John Ningark** moved a motion to censure Pangnirtung MLA **Adamee Komoartok** for his conduct in relation to an incident for which Mr. Komoartok had formally apologized in the House earlier in the day. The motion, which was seconded by Kugluktuk MLA **Peter Taptuna**, was passed without opposition.

On November 30, 2009, Iqaluit Centre MLA **Hunter Tootoo** moved a motion to accept the report of the Integrity Commissioner of Nunavut regarding the conduct of Mr. Okalik in relation to the 2008 territorial general election. The

report had been tabled by the Speaker on November 26, 2009. The motion, which was seconded by Cambridge Bay MLA **Keith Peterson**, was carried by a vote of eleven to three. Subsequent to the passage of the motion, Mr. Okalik delivered a formal apology in the House.

On December 4, 2009, Mr. Okalik moved a motion that called upon the Government of Canada to work with Nunavut, the Northwest Territories and the Yukon to renew the Territorial Health System Sustainability Initiative. The motion, which was seconded by Minister of Health and Social Services and Rankin Inlet North MLA **Tagak Curley**, was passed without opposition.

The proceedings of the Committee of the Whole during the fall sitting of the House were dominated by the scrutiny of the Government of Nunavut's 2010-2011 capital estimates. On December 1, 2009, Mr. Okalik moved a motion to delete \$300,000 from the proposed capital estimates of the Department of Justice. The funding had been proposed for a capital project to begin the replacement of a correctional facility in Iqaluit. Subsequent to the approval of this motion, which was carried by a vote of nine to eight, Finance Minister Keith Peterson moved motions to increase the 2010-2011 capital estimates of Nunavut Arctic College. These motions were passed without opposition.

On December 7, 2009, Speaker **James Arreak** tabled a copy of the joint presentation to the Canadian Radio-television and Telecommunications Commission (CRTC) that he and Speaker of the Legislative Assembly of the Northwest Territories **Paul Delorey** had delivered together



on November 23, 2009. The presentation concerned the televised broadcasting of the proceedings of the Nunavut and Northwest Territories legislatures.

On December 8, 2009, Speaker Arreak tabled the final report of the Independent Commission to Review Members' Indemnities, Allowances, Expenses and Benefits.

The 2nd Session of the 3rd Legislative Assembly will reconvene on March 4, 2010. It is anticipated that the proceedings of the Committee of the Whole during the winter sitting will be dominated by the scrutiny of the Government of Nunavut's 2010-2011 main estimates and departmental business plans, which will follow Finance Minister Keith Peterson's introduction of the Government of Nunavut's 2010 Budget.

### Committee and Caucus Activities

On September 29, 2009, Auditor General of Canada **Sheila Fraser** made her eighth appearance before a Standing Committee of the Legislative Assembly of Nunavut on the occasion of the consideration of her 2009 reports to the Legislative Assembly. The Standing Committee on Oversight of Government Operations and Public Accounts (OGOPA) held two days of hearings on the Auditor General's reports.

The first report focused on the financial management practices of the Department of Health and Social Services. This report had been undertaken at the request of the previous Legislative Assembly. The second report examined the Government of Nunavut's overall progress in addressing the financial

management recommendations contained in the Auditor General's 2005 report to the Legislative Assembly.

The hearings took place in the Chamber of the Legislative Assembly. Witnesses from the Government of Nunavut's Department of Finance and Department of Health and Social Services also appeared before the Committee to respond to Members' questions concerning the observations and recommendations in the Auditor General's report.

On October 1, 2009, the Information and Privacy Commissioner of Nunavut, **Elaine Keenan Bengts**, appeared before the Standing Committee to present her most recent report to the Legislative Assembly. On December 2, 2009, Standing Committee Chairperson **James Arvaluk** presented the Committee's own report to the House on this hearing. The Committee requested that the Government, pursuant to Rule 91(5) of the Rules of the Legislative Assembly of Nunavut, provide a comprehensive written response to the Committee's report within 120 days.

The Legislative Assembly's Full Caucus, which consists of all nineteen MLAs, gathered in Iqaluit from October 20-23, 2009, to review the findings of the *Qanukkanniq Report Card* and to identify priority areas of action to implement the *Tamapta: Building our Future Together* mandate statement, which was tabled in the Legislative Assembly by Premier **Eva Aariak** on April 1, 2009. On October 26, 2009, Caucus released a communiqué on its deliberations. Premier Aariak subsequently tabled the *Tamapta Action Plan* on December 7, 2009.

### Noteworthy Appointments

On December 11, 2009, the federal Minister of Justice announced the appointment of **Susan Cooper** to serve as a Judge of the Nunavut Court of Justice. Prior to her appointment, Madame Justice Cooper had been serving as the Legislative Assembly's Law Clerk and Parliamentary Counsel since 1999.

On January 15, 2010, the federal Minister of Indian and Northern Affairs announced the appointment of Ms. **Nellie T. Kusugak** of Rankin Inlet to the position of Deputy Commissioner of Nunavut. Ms. Kusugak is an Instructor in Language and Culture at Nunavut Arctic College's Kivalliq campus.

**Alex Baldwin**

Office of the Legislative  
Assembly of Nunavut



### Saskatchewan

The fall sitting concluded on Thursday December 3, 2009. During the fall period of the session, 39 government bills and five Private Members' Public Bills were introduced, Bill 80 – *The Construction Industry Labour Relations Amendment Act* was reinstated and supplementary estimates were tabled.

The Lieutenant Governor, Dr. **Gordon Barnhart** gave royal assent to three bills.

- Bill 99 - *The Emergency 911 System Amendment Act*

integrates the Provincial Public Safety Telecommunications Network into the Sask911.

- Bill 116 - *The Traffic Safety (Driver's Licences and Hand-held Electronic Communications Equipment) Amendment Act* updates the existing driver's licence provisions making it illegal to talk, text, surf or access the internet on a hand-held device while driving. Anyone found breaching the law could be subject to a \$280 fine and/or four demerit points against their licence.
- Bill 606 - *The Protection of the Wild Ponies of Bronson Forest Act* makes it illegal for any person to interfere with, hurt, molest, capture or kill these ponies. Any person found guilty of such an offence will be subject to a fine, imprisonment or both.

### Privilege

On Tuesday November 3, the Opposition House Leader, **Kevin Yates**, raised a question of Privilege. Mr. Yates alleged that the Minister of Public Safety, Corrections and Policing, **Yogi Huyghebaert**, was attempting to mislead the House. The Minister indicated that he had no knowledge of a dangerous sex offender being at large. When provided with further information of the specific case, the Minister corrected the record. Speaker **Don Toth**, outlined the evidence and concluded that the Opposition House Leader had not provided sufficient evidence to find a *prima facie* case of contempt.

Two days later, the Opposition House Leader, raised another question of Privilege. He claimed the Minister of Corrections, Public Safety and Policing made remarks in the Assembly that were perceived as a threat and discouraged him from performing his duties and exercising his freedom of speech. The Minister apologized and

withdrew the inappropriate remarks. The Speaker found that the threatening comments were contemptuous. However, given that the Minister had apologized, the Speaker ruled that the apology ended the matter. He did remind Members that if there had been no apology given, he would have had no other choice but to find a *prima facie* case of privilege.

### Government House Leaders

After the conclusion of the fall sitting, Premier **Brad Wall** appointed Cannington MLA **Dan D'Autremont** as the new Government House Leader and **Jeremy Harrison** as Deputy Government House Leader.

### Committee Activity

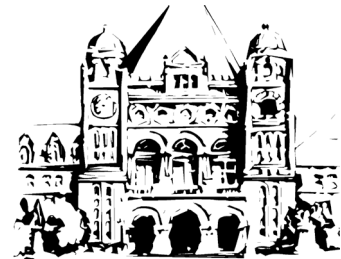
The Standing Committee on Crown and Central Agencies tabled an interim report highlighting themes that emerged during public hearings on Saskatchewan's energy needs. During January 2010, the Committee resumed its inquiry and held hearings in Lloydminster, Prince Albert, Saskatoon, Yorkton, Estevan and Regina. The Committee received an additional 31 presentations and 18 written submissions. A final report is expected to be tabled during the spring before the Assembly adjourns for the summer.

The Standing Committee on Human Services conducted public hearings on Bill 80 - *The Construction Industry Labour Relations Amendment Act*. A substantive report is expected to be tabled in the coming months.

Supplementary estimates tabled on November 19, 2009 were deemed referred to the Standing Committees. The Standing Committee on House Services was the only committee

to report back the supplementary estimates that were required for the Standing Committee on Crown and Central Agencies to conduct its inquiry.

**Stacey Ursulescu**  
Committee Researcher



### Ontario

The First Session of the 39th Parliament adjourned on Thursday, December 10, 2009. Prior to the winter adjournment, the Legislature passed a number of important bills including Bill 218, *An Act to implement 2009 Budget measures and to enact, amend or repeal various Acts*. The bill will enable Ontario to harmonize its provincial sales tax with the federal goods and services tax on July 1, 2010 in a previously negotiated agreement between the Province and the Federal Government. This taxation measure was initially announced in the 2009 Ontario Budget and once implemented; the authority to collect the sales tax would no longer reside in provincial legislation. Bill 218 generated fierce debates in the Legislative Assembly with repeated demands from the two opposition parties for extensive public consultations. At times, the proceedings of the House fell into grave disorder and resulted in the Official Opposition Party walking out during a Question Period, the suspension of two Official Opposition Members from the service of the House for the remainder of the session



when they refused to leave the Chamber after being named by the Speaker, and the filing of some 500,000 amendments in the Standing Committee on Finance and Economic Affairs when the bill was referred to the committee for consideration.

Another topic that dominated much of the fall session was the special report of the Auditor General on Ontario's Electronic Health Records Initiative. This audit was tabled by the Auditor in October at the request of the Minister of Health and Long-Term Care and the Standing Committee on Public Accounts instead of the usual year-end reporting in December.

In November 2009, **George Smitherman**, Minister of Energy and Infrastructure resigned from the Executive Council and in January 2010, **Jim Watson**, Minister of Municipal Affairs and Housing followed suit. The two ministers resigned from Cabinet to run for mayor of the cities of Toronto and Ottawa respectively, which prompted a much anticipated cabinet shuffle by the Premier on January 18, 2010. Mr. Smitherman subsequently resigned as Member of Provincial Parliament for Toronto Centre on January 3, 2010 and a by-election was called for February 4, 2010.

### Committee Activities

All legislative committees, in particular the policy-field committees, were very busy during the second half of the fall session dealing with government legislation. The Standing Committee on General Government considered Bill 185, *An Act to amend the Environmental Protection Act with respect to greenhouse gas emissions trading and other economic and financial instruments and market-based*

*approaches*. This bill was reported back to the House for Third Reading debate with certain amendments. The Committee also held hearings on Bill 187, *An Act to amend the Technical Standards and Safety Act 2000 and the Safety and Consumer Statutes Administration Act, 1996*. This time-allocated bill was reported back without any changes.

The Standing Committee on Justice Policy also considered two government bills, the first one was Bill 203, *An Act to allow for better policing co-operation with other Canadian provinces and territories and to make consequential amendments to the Police Services Act*, which was reported back to the House with some amendments following public hearings and clause-by-clause study. The other bill was Bill 175, *An Act to enhance labour mobility between Ontario and other Canadian provinces and territories*. The proceedings for the second bill were time allocated in committee and on December 8, 2009, the Chair reported the bill with certain amendments.

The Standing Committee on Social Policy held public hearings to examine Bill 168, *An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters*; and Bill 177, *An Act to amend the Education Act with respect to student achievement, school board governance and certain other matters*. Both bills were amended before being reported back to the House for passage.

The Standing Committee on the Legislative Assembly, which normally deals with issues relating to the rules and operations of the House and its committees, also had government legislations referred to it for consideration. Public hearings

were held on Bill 204, *An Act to protect animal health and to amend and repeal other Acts*; and Bill 210, *An Act to protect foreign nationals employed as live-in caregivers and in other prescribed employment and to amend the Employment Standards Act, 2000*. The proceedings for these two bills were also time-allocated at the committee stage and both bills were reported back to the Legislature as amended prior to the end of the fall session.

The Standing Committee on Finance and Economic Affairs dealt with Bill 218 but after just over 8 hours of consideration of the thousands of filed amendments, the Committee was adjourned for a lack of quorum and pursuant to a time-allocation motion, the bill was deemed to be passed by the Committee and deemed reported and received by the House the next day. Bill 218 received Royal Assent on December 15, 2009. In January 2010, the Finance Committee will commence its annual Pre-Budget consultations by travelling to Niagara Falls, London, Dryden, North Bay and Kingston before concluding its hearings in Toronto.

**Katch Koch**  
Committee Clerk



### New Brunswick

The Fourth Session of the 56th Legislative Assembly opened on November 17, 2009, and adjourned on December 18, after sitting a total of 20 days. The agenda of the House for

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the Fall sitting was devoted to debate on the Throne Speech, the budget, legislation and private members' resolutions. The topic that dominated most debates and Oral Question periods was the proposed sale of NB Power to Hydro-Québec.

### Throne Speech

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The Throne Speech, delivered for the first time by Lieutenant-Governor **Graydon Nicholas**, focussed on the central themes of lowering energy rates, reducing poverty while empowering and creating jobs for people, enhancing health and senior care, promoting literacy, and positioning the province for significant economic growth in the future.

A main component of the Speech was the proposed energy agreement between Hydro-Québec and NB Power for low and more predictable electricity rates. Under the agreement, Hydro-Québec would acquire most of the assets of NB Power for an amount equivalent to NB Power's debt, \$4.75 billion. In return residential rates would be frozen for five years, and industrial rates would be substantially lowered.

Among the other initiatives: a new *Early Learning and Child Care Act* to help children get the best start in life; an *Economic and Social Inclusion Act* to facilitate community-based collaboration; an 80% increase to social assistance for individuals living on less than \$300 per month; a new universally affordable prescription drug plan; a three year extension of health benefits for people leaving social assistance for work; increases to the minimum wage to equal the Atlantic average by September 2011; a *New Brunswick*

*Community Colleges Act* to create learning opportunities that are more responsive to community and labour market needs; two community college systems independent from government; pay equity adjustments for child care, home support, nursing home, and transition house workers; the first component of a one-patient, one-record health-care system; and a *New Brunswick Shared Services Agency Act* to provide common services essential to the functioning of government.

In responding to the Throne Speech, Official Opposition Leader **David Alward** focussed on the proposed energy agreement between Hydro-Québec and NB Power. The Opposition Leader characterized the plan as "ill-conceived" and stated that if the deal is finalized, "the negative ramifications will haunt the citizens of our province for generations to come, starting sooner than most think and lasting longer than most can imagine." He further submitted that "the long-standing democratic right of the people of New Brunswick to control all aspects of production, transmission, and sale of electrical power in our province will be forfeited if NB Power is sold to the Government of Quebec." The Opposition Leader noted that Premier **Shawn Graham** had stated, as part of his election platform, that he would not sell NB Power. Mr. Alward called on the Premier to either delay the agreement until after the September 2010 provincial election, or allow New Brunswickers to vote before the agreement is finalized.

Following five days of debate, the Address in Reply to the Speech from the Throne, moved

by Saint John East MLA **Roly MacIntyre**, and seconded by Restigouche-la-Vallée MLA **Burt Paulin**, passed on November 27.

### Budget

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On December 1 Finance Minister **Greg Byrne** delivered his first budget address. The main components of the budget were a two-year investment in infrastructure approaching \$1.6 billion; the second phase of *The Plan for Lower Taxes in New Brunswick*; and major investments in health care (\$2.46 billion), education (\$995 million) and social development (\$986 million). The 2010-11 budget contained spending of approximately \$7.9 billion with a deficit of \$748 million. The budget also contained a plan to resume delivering balanced budgets by 2014-15.

Among the highlights: funding to public universities for costs of tuition freeze; approximately \$15 million in poverty reduction initiatives; a five-year plan to invest approximately \$400 million in nursing home infrastructure; \$30 million in northern New Brunswick infrastructure initiatives and economic development funds; \$64.9 million for health care-related capital construction projects; \$423.4 million in transportation-related infrastructure; \$30.7 million for the NBCC Saint John campus; \$9.6 million for a new NBCC Fredericton campus; \$44.1 million for new K-8 schools to be built under a public-private partnership model; and the second stage of the plan for lower taxes to provide \$258 million in estimated savings for individuals and businesses.

In his response to the budget address, Official Opposition Finance Critic **Bruce Fitch**

characterized the budget as an “election budget” and criticised government for the projected deficit. He stated that the budget “represents the highest deficit in the province’s history. It is an \$8 billion budget, with no expectation to get out of the red until 2014. That is an extension of two years from this government’s previous projection. This is irresponsible and reckless, but what is especially distressing is that it shows no effort whatsoever to deal with this record debt.”

He further submitted that “part of the reason this budget is disappointing is that it is yet another example of this government working in isolation. This government is out of touch with the people it was elected to serve. The Graham Government fails to understand that, while everyone loves to see activity, things being built, and people working, it is even more important that this be done within responsible fiscal restraints.”

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## Legislation

The government, under Premier Graham, introduced twenty-one bills during the Fall sitting. In particular, Bill 5, *An Act Respecting Small Claims*, introduced by Justice and Consumer Affairs Minister **Michael Murphy**, elevates the amount that can be claimed in Small Claims Court to \$30,000. Bill 7, *Heritage Conservation Act*, introduced by Wellness, Culture and Sport Minister **Hédard Albert**, modernizes the legislation governing the conservation of heritage by strengthening the province’s ability to conserve heritage sites and objects; creating tools to help conserve fossil and burial sites; providing opportunities for public input when designating

heritage places; and expanding the scope of municipal authority to create heritage bylaws.

Bill 8, *Prescription Monitoring Act*, introduced by Health Minister **Mary Schryer**, allows health care providers to share a patient’s monitored drug history to promote the best prescribing and dispensing practices and enable the early identification of individuals at risk for addiction. Bill 20, *An Act to Amend the Workers’ Compensation Act*, introduced by Post-Secondary Education, Training and Labour Minister **Donald Arseneault**, exempts the three-day wait requirement for police officers and firefighters who are injured during an emergency response.

The Official Opposition introduced five bills during the Fall sitting. Of note, Bill 11, *NB Power Referendum Act*, introduced by the Leader of the Official Opposition, Mr. Alward, requires that any sale of NB Power be subject to a referendum. Bill 25, *An Act to Amend the Motor Vehicle Act*, also introduced by Mr. Alward, extends the suspension of licence penalty from one to five days for drivers who register a warning level on a sobriety test.

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## Points of Privilege

During the Fall sitting two points of privilege were raised. The first, raised by Social Development Minister **Kelly Lamrock**, concerned the actions of Dieppe Centre-Lewisville MLA **Cy LeBlanc**, as Deputy Speaker **Bill Fraser** was escorted from the Chamber following the adjournment of the House. During the procession, the Deputy Speaker heard egregious remarks coming from the Member, which he felt were directed toward him personally in an intimidating tone and

manner. The second point of privilege, raised by Tourism and Parks Minister **Stuart Jamieson**, concerned statements made by Opposition Leader Alward and Saint John Portland MLA **Trevor Holder**, outside the House, which cast doubt on the impartiality of the Deputy Speaker. The allegations of bias were published in several provincial newspapers. Although Speaker **Roy Boudreau** found that there was a *prima facie* case of privilege in both instances, following apologies to the House by the Members involved, the matters were withdrawn.

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## Petitions

The proposed sale of NB Power has drastically increased the number of petitions presented in the House. As of January 29, 166 petitions have been tabled, a large proportion of which are in opposition to the sale.

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## Committee Work

On January 19 the Standing Committees on Public Accounts and Crown Corporations met in a special joint session to receive and review the *Report of the Auditor General of New Brunswick, 2009, Volume 1*. The report was in response to a request by the Minister of Finance that the Auditor General report to the Legislature on the sequence of events that led to the government’s intervention in la Caisse populaire de Shippagan. During the joint session, the Auditor General briefed Members on the contents and findings of the report.

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## Cabinet

On January 4 Attorney General and Justice and Consumer Affairs Minister **Michael Murphy** resigned as Minister and Government House Leader



and indicated he will resign as the MLA for Moncton North in several weeks. First elected in 2003, Mr. Murphy served as Opposition Finance Critic. In 2006 he was re-elected and sworn in as Minister of Health. He was appointed to his last portfolio in 2009.

Local Government Minister **Bernard LeBlanc** succeeded Mr. Murphy as Minister of Justice and Consumer Affairs. Social Development Minister Kelly Lamrock assumed additional duties as Attorney General and Finance Minister Greg Byrne became Government House Leader. Moncton East MLA **Chris Collins** was sworn in as Minister of Local Government on January 12. Post-Secondary Education, Training and Labour Minister Donald Arseneault was appointed deputy Government House Leader and Restigouche-la-Vallée MLA **Burt Paulin** replaced Mr. Collins as Government Whip.

### Resumption of Session and House Standings

The House resumed sitting on January 12, 2010. The agenda has been devoted to examining the budget and departmental estimates in Committee of Supply. The current standings in the House are 33 Liberals and 22 Progressive Conservatives.

**Shayne Davies**

Clerk Assistant & Committee Clerk



### Northwest Territories

The Fourth Session of the 16th Legislative Assembly of the Northwest Territories which

began in mid October reconvened on January 27, 2010 for the six-week budget session.

Bills that received assent in the fall included Bill 1: *An Act to Amend the Petroleum Products Tax Act*, which replaced the defined term “motor vehicle” with the new defined term “mobile machine”, and provided for application and commencement matters.

Bills that are currently under consideration include Bill 2: *Forgiveness of Debts Act, 2009-2010*, which authorizes the forgiveness of debts owed to the Government and public agencies. Also under consideration is Bill 4: *An Act to Amend the Child and Family Services Act*, which makes minor changes to the Act and is separate from a major review of the *Child and Family Services Act* which is now underway. Bill 7: *An Act to Amend the Summary Conviction Procedures Act*, which provides that a justice may enter a conviction and impose the specified penalty when a person fails to pay or appear is also in the mix. The maximum fine for failing to appear is increased, and other minor amendments are made.

Bills that are still before standing committees include Bill 3: *Medical Profession Act*, which modernizes the processes for the registration and discipline of medical practitioners in the Northwest Territories, as well as Bill 5: *An Act to Amend the Commissioner's Land Act*, which requires posting of security on a lease of Commissioner's land for a commercial or industrial use.

### Committee Activities

The Standing Committee on Social Programs, chaired by **Tom Beaulieu**, MLA Tu Nedhe, has been tasked by the

Legislative Assembly to conduct an extensive review of the *Child and Family Services Act*. The *Child and Family Services Act* was first introduced in 1998 and although minor changes to the Act have been effected over the years, the Assembly identified a strong need to undertake a comprehensive review of the governing legislation and associated program delivery. The Committee will be holding public meetings throughout the Northwest Territories in April 2010 to consult with individuals, communities and stakeholders. The Committee plans to table its final report on the *Review of the Child and Family Services Act* during the 2010 fall session of the 16th Assembly.

### New Initiatives

The Speaker of the Legislative Assembly, **Paul Delorey**, has introduced a number of initiatives to the Legislative Assembly in an effort to “lead by example”. One of these initiatives was to “drop the pop” in the Legislature. As of June 1, 2009, the Legislative Assembly building has discontinued sales of bottled water and soft drinks. Various schools in the NWT have been working on “dropping the pop” in classrooms to help students lead a healthier lifestyle, and the Legislative Assembly has followed suit. Another environmentally-friendly undertaking was the paper reduction strategy. The Legislative Assembly has reduced its paper consumption by 25% in the last two years. The Assembly website is now being used as an information platform and access point for House documents. Operational staff no longer need as many copies of House documents in paper form and the Legislative Assembly

website now contains tabled documents, ministers' statements and motions as well as bills, news releases, and the Orders of the Day. In keeping with the theme that it is "easy being green", a wood pellet boiler is being installed in the Legislative Assembly building in the summer of 2010 to reduce the Assembly's carbon footprint. Biomass in the form of wood pellets is currently the most feasible alternative to fossil fuels for the heating of large buildings in the NWT. The Speaker is taking a leadership role in advancing these initiatives and related efforts will follow in the coming years.

### Elders Parliament

The Speaker of the Legislative Assembly was also pleased to introduce an outreach program designed to allow elders to voice concerns on issues that affect them, and to showcase our unique form of consensus government. Building upon the success of the Assembly's Youth Parliament program, one elder will be chosen from each of the 19 constituencies through an application process. Once participants are chosen, they will convene in Yellowknife where they will meet their MLA, create a Member's or Minister's statement, conduct research on self-identified topics and will have one day in the Chamber where they will conduct a "mock parliament" and debate issues of particular relevance to people over the age of 50. The inaugural Elders Parliament will be held from May 2 – 7, 2010.

### Other Matters

On February 16, 2009, six MLAs made a complaint to the Conflict of Interest Commissioner, **Gerald Gerrand**, concerning the conduct of Premier **Floyd Roland**. The

disposition report of a sole adjudicator found that although a breach of the conflict of interest rules did occur, it was a result of an error of judgement by the Premier made in good faith. The complaint was dismissed and the House voted to accept the recommendations.

**Danielle O'Neill**  
Public Affairs and  
Communications Advisor



### House of Commons

The second session of the 40th Parliament was prorogued by proclamation on December 30, 2009 until March 3, 2010.

### Supply

On December 1, 2009, the Minister of Finance, **Jim Flaherty**, tabled with the Clerk of the House of Commons "Canada's Economic Action Plan – A Fourth Report to Canadians", pursuant to the Order made on Tuesday, February 3, 2009. A point of order was raised the following day protesting the Prime Minister's announcement of the economic update on a plane rather than before Parliament. The Speaker ruled that "however novel the Prime Minister's lock up may seem I must conclude that there has been no breach of our procedures since the actual tabling of the document here at the House of Commons was entirely in keeping with our practice".

Also on December 1, the NDP moved the following supply day motion: "That, in the opinion of the House, the government

should ... call a Public Inquiry into the transfer of detainees in Canadian custody to Afghan authorities from 2001 to 2009". The motion was adopted on a recorded division of 145 to 129.

On December 10, the seventh and final allotted day of the supply period, the Liberal opposition day motion ordered that the government produce all documents relevant to the issue of the transfer of Afghan detainees "in their original and uncensored form". In response to objections to the motion, the Speaker ruled it admissible because a request for documents "is something that could reasonably be requested on a supply day". The motion, as amended, was adopted on a recorded division of 146 to 143.

Pursuant to the order made on June 19, 2009, the Speaker tabled on November 25, 2009 a proposed formula for the distribution of allotted days for 2010. On November 26, it was agreed by unanimous consent that Standing Order 81(10) be amended to allow for at least one and no more than two opposition days to be held in each ten sitting day period.

### Legislation

With the use of closure, a special order seeking to expedite the passage of Bill C-62 was adopted by the House on December 7, 2009. Bill C-62, *An Act to amend the Excise Tax Act*, implements harmonized tax frameworks in Ontario and British Columbia.

The special order allotted not more than one sitting day for the consideration of second reading, including committee consideration, and not more than one sitting day for report and third reading stages. The second reading motion was adopted on

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December 8, following which the Standing Committee on Finance considered the bill and deposited with the Clerk of the House of Commons its report without amendment before 11 p.m. After several report stage motions were defeated, the bill was adopted on December 9 and received Royal Assent on December 15, 2009.

On December 10, 2009, following the notice of a closure motion in the morning for the third reading stage of Bill C-56, *An Act to amend the Employment Insurance Act*, a motion was adopted by unanimous consent in the evening that allowed the third reading motion for Bill C-56 to be voted on immediately. The motion also contained several provisions regarding employment insurance and self-employed workers. The bill received Royal Assent on December 15.

During its study of Bill C-36, *An Act to amend the criminal code*, the Standing Committee on Justice and Human Rights requested on November 4, 2009, that information from Correctional Service Canada be provided before clause-by-clause consideration. The information was eventually provided; but not in the time requested. Although the Committee reported the bill to the House, with amendment on November 17, on November 26, it presented a report placing the matter before the House as it may have involved the possible obstruction by the Minister of Public Safety in the Committee's deliberations. The Minister, **Peter Van Loan**, apologized for the unwarranted delay caused by his office in transmitting the requested information.

The Member for Windsor—Tecumseh, **Joe Comartin** moved an amendment to the third

reading motion to refer the bill back to the Committee to reconsider several clauses with a view to making any amendments which may be called for as a result of the provision of the requested information. The amendment was defeated and the bill passed third reading on November 25.

On November 30, 2009, Mr. Comartin rose on a question of privilege concerning the inability of the Committee to obtain said documents regarding Bill C-36. On December 10, the Speaker ruled that it was not a question of privilege because even though the requested information failed to reach the Committee within the specified time, it was equally clear that the proceedings on the bill were nonetheless able to continue with Members' full participation. He added that the appropriate course of action would have been to propose a motion to have the Committee report to the House requesting that the production of such information be compelled.

### Questions of Privilege

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In November, the use of Members' mailings (ten percenters) to ridings became a highly contentious issue. The Member for Sackville Eastern Shore, **Peter Stoffer** rose on a question of privilege on November 3, 2009 to request an apology from the Member for Saskatoon-Wanuskewin, **Maurice Vellacott** for sending flyers into his riding that deliberately misled his constituents on his position on the long-gun registry. On November 19, the Speaker ruled that the mailing had distorted the Member's true position and may also have had the effect of unjustly damaging his reputation and his credibility with the voters

of his riding. He therefore found that there was a *prima facie* case of privilege and the House referred the matter to the Standing Committee on Procedure and House Affairs.

Mr. Stoffer appeared before the Committee on November 26, 2009. Mr. Vellacott did not appear before the committee and the Committee did not present a report on the matter before prorogation.

Also on November 19, 2009, the Member for Mount-Royal, **Irwin Cotler** claimed that information contained in a flyer sent to his riding on the three issues of fighting anti-Semitism, fighting terrorism and supporting Israel was false and misled his constituents. Furthermore, it was prejudicial and damaging to the Liberal Party and, by extension, himself. On November 26, the Speaker concluded that the constituents of Mount-Royal had likely been left with an impression at variance with the Member's long-standing and well-known position on these matters, thereby interfering with his ability to perform his parliamentary functions by damaging his reputation and his credibility. Finding that a *prima facie* question of privilege existed, the matter was referred to the Standing Committee on Procedure and House Affairs on November 30.

On December 8, 2009, the Committee commenced its study of this question of privilege. The Chair, **Joe Preston**, withdrew from presiding over the meeting as the mailings had been sent out in his name. The Committee had not presented a report before prorogation.



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## Private Member's Business

On November 19, 2009, Bill C-280, *An Act to amend the Employment Insurance Act*, was ordered reprinted because an amendment adopted by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, was declared null and void by the Speaker because it infringed on the financial initiative of the crown. The bill is currently at report stage.

During clause-by-clause consideration the Standing Committee on Transport, Infrastructure and Communities agreed to report to the House that it not proceed further with Bill C-310, *An Act to provide certain rights to air passengers*. The report was presented to the House on November 24, 2009, but was not concurred in by the time of prorogation.

## Committees

On December 3, 2009, the Standing Committee on Public Accounts presented its report on "The Power of Committees to Order the Production of Documents and Records", which was in response to its request for audio tapes held by the Department of Public Works in the spring of 2009. The Committee recommended that "the government revise its policies to reflect the legal right of parliamentary committees to demand the production of documents and records [and] that Justice Canada provide its legal counsel with adequate training in parliamentary law, including instruction on the right of parliamentary committees to demand the production of documents and records."

On December 9, 2009, the Member for Outremont, **Thomas Mulcair** raised a question of privilege alleging that due to the noise of a party in an adjacent room during the Standing Committee on Finance's clause-by-clause consideration of Bill C-62, *An Act to amend the Excise Tax Act*, he was unable to propose an amendment and was thus unable to perform his duties freely. The Speaker commented that the special order specified that the committee had a limit of four hours to consider the bill clause-by-clause, but that nothing prevented the Committee to use this time as it wished.

Also on December 9, 2009, the Standing Committee on Finance presented to the House its pre-budget consultations report, entitled "A Prosperous and Sustainable Future for Canada: Needed Government Actions". The Committee heard from hundreds of witnesses across the country.

The Special Committee on Canada's Mission in Afghanistan's study of the transfer of Afghan detainees became highly controversial when **Richard Colvin**, former head of the political section and chargé d'affaires at the Canadian Embassy in Kabul, appeared before the Committee on November 18, 2009. The Committee reported to the House, on November 26, that it believed a serious breach of privilege had occurred and Members' rights had been violated because the Government of Canada had intimidated Mr. Colvin, and obstructed and interfered with the Committee's work and with the papers requested.

On November 30, **Paul Dewar** of the NDP rose on a question

of privilege regarding this matter. The Speaker ruled that the Committee's report to the House was inadequate as it did not provide sufficient details on which the House could make a decision on the question of privilege.

On December 1, **Jack Harris**, also of the NDP, rose on a question of privilege alleging that the documents requested by the Special Committee, as well as individual Members of Parliament, had been leaked to a journalist rather than being provided to the Committee. The Speaker suggested that the Member raise the matter in the Committee.

Pursuant to Standing Order 106(4) – which provides that, at the request of at least four members of a committee, the Chair shall convene a meeting following 48 hours notice – the Special Committee on Canada's Mission in Afghanistan was to hold a meeting on Tuesday, December 15, 2009, however the meeting did not take place for lack of quorum.

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## Members

Following the by-elections held on November 9, 2009, four new Members took their seats in the House: **Daniel Paillé** (BQ, Hochelaga) on November 24 and **Bernard Généreux** (CPC, Montmagny-L'Islet-Kamouraska-Rivière-du-Loup), **Scott Armstrong** (CPC, Cumberland-Colchester-Musquodoboit Valley), and **Fin Donnelly** (NDP, New Westminster-Coquitlam) on November 25, 2009.

On January 18, 2010, the Prime Minister shuffled his Cabinet. **Lisa Raitt** became Minister of Labour, replacing **Rona Ambrose**, who replaced **Christian Paradis**

as Minister of Public Works and Government Services. Mr. Paradis was appointed to the Ministry of Natural Resources. **Vic Toews** took the place of **Peter Van Loan** as Minister of Public Safety, who became the Minister for International Trade, and **Stockwell Day** was appointed President of the Treasury Board.

**Jean-Pierre Blackburn**, who was replaced by **Keith Ashfield** as Minister of National Revenue, became Minister of Veterans' Affairs. **Diane Ablonczy** became the Minister of State for Seniors, being replaced by **Rob Moore** as Minister of State for Small Business and Tourism.

### Visitors on the Floor of the House

On December 10, 2009, pursuant to a special order adopted on December 7, the House resolved itself into Committee of the Whole in order to welcome on the floor of the House torchbearers carrying the Olympic Flame.

**Samy Agha**

Procedural Clerk  
Table Research Branch



### Senate

In the Senate, the final months of the second session of the 40th Parliament were marked by the passage of a number of government bills and the retirement of four senators.

Bill S-8 was passed by the Senate on December 15 and sent to the House of Commons for its consideration. The Governor General, **Michaëlle Jean**, signified royal assent to Bill-C 50 on November 5 by written declaration. Bills C-51, C-62, C-56 and C-64 received royal assent on the Senate's last sitting day before adjournment for the winter recess (December 15) by written declaration of **Louis LeBel**, Puisne Justice of the Supreme Court of Canada, acting for the Governor General.

### Bills

Bill C-50 was referred to committee in September on a motion by Senator **James Cowan**. Adoption of his motion made it possible to proceed with pre-study of the Bill, that is, to begin considering it while it was still before the House of Commons. This procedure generally speeds up passage of a bill in the Senate once it has been passed by the Commons. The aim of Bill C-50 was to extend temporarily the duration of regular employment insurance benefits paid to long-tenured workers who lose their jobs. It was received in the Senate in November and was passed on division but without amendment the following day.

In December, Senator **Joseph Day** presented the 12th report of the Standing Committee on National Finance on Bill C-51, with two amendments. The same day, a point of order was raised respecting the admissibility of the Committee's report. The Speaker of the Senate handed down his decision on December 9, ruling that the point of order was established and that the amendments in the report were thus out of order. Since the report consisted entirely of the amendments that were ruled

out of order, its content was evacuated. On December 10, after debate, the Senate adopted Bill C-51 at Third Reading, on division.

On December 15, Senator Day presented the 14th report of the Standing Committee on National Finance on Bill C-56, *An Act to amend the Employment Insurance Act and to make consequential amendments to other Acts*, without amendment but with observations. Like Bill C-50, C-56 had been the subject several days previously of a pre-study by the Senate, which enabled it to be passed rapidly at Third Reading without amendment. Observations are appended to a committee report as a way of commenting, for information purposes, on a wide range of bill-related issues. They are not subject to debate.

Bill C-15 was considered by the Standing Committee on Legal and Constitutional Affairs, which reported it to the Senate on December 3 with four amendments. Following a deferred division, the Senate adopted the Committee's 12th report with the amendments. After the remarks by the Bill's sponsor at Third Reading, Senator **Elaine McCoy** moved the original question. In the Senate, moving the original question is designed to put a motion to the vote immediately, without further amendment. The Bill was passed as amended at Third Reading on December 14. Since it now contained amendments adopted by the Senate, the Bill had to be returned to the Commons for passage in its amended form before it could receive royal assent.

Bill C-6 was also the subject of debate, on the 17 amendments proposed in committee. The

motion for adoption of the Committee's report was defeated in a deferred division, by a slim majority: 44 nays, 42 yeas and two abstentions. All the amendments proposed in the report were thus defeated as well. The Senate's procedural rules allow for the moving of amendments at Third Reading even if these have been defeated at Report Stage. Two senators were thus able to have seven of the amendments adopted on division at Third Reading. The Bill as passed by the Senate had to be returned to the Commons for passage in its amended form before it could receive royal assent.

For several years now, the Speaker of the Senate has been voting less often than in the past; as a general rule, he tends not to vote unless it appears that the result may be close. In the final months, however, the Speaker exercised his right to vote on a number of occasions during consideration of bills C-15 and C-6. The Speaker has a "deliberative" vote only.

### Speaker's ruling

On November 17, Senator **Donald Oliver** rose on a point of order respecting a private senator's public bill, S-241, *An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards)*. Senator Oliver argued that the Bill required the royal recommendation because it added an additional purpose to the *Office of the Superintendent of Financial Institutions Act* by creating a new oversight body. Since the point of order involved the Crown's financial prerogative, the Speaker cited the second edition of *House of Commons Procedure and Practice* as well as Senate Rule 81. He found that

the purpose added by the Bill was consistent with the general roles and current functions of the Office of the Superintendent of Financial Institutions. Although the changes proposed in the Bill might impose administrative adjustments, the arguments did not establish that the new responsibility would automatically incur new public expenditures, as opposed to being accommodated within existing funding. The point of order was therefore not established.

### Prorogation

On Wednesday, December 30, 2009, Prime Minister **Stephen Harper** asked the Governor General to prorogue the second session of the 40th Parliament. The third session of this Parliament is scheduled to begin on Wednesday, March 3, 2010. As a result, all Senate proceedings were broken off as of December 30. The government bills passed by the Senate with amendments, including C-6 and C-15, will have to be reintroduced and passed again by the House of Commons and the Senate during the upcoming session so that they can receive royal assent and be enacted.

### Senators

Over the last few months that the Senate sat before prorogation, a number of tributes were paid to deceased, resigning or retiring senators.

On November 3, the senators paid tribute to **Roméo Leblanc**, former senator, 43rd Speaker of the Senate and 25th Governor General of Canada, who died on June 24, 2009. He was the first Acadian and first Maritimer to occupy the position of Governor General.

On November 24, tribute was paid to **John Bryden**, who had resigned from the Senate on October 31, 2009. A senator for New Brunswick appointed by Prime Minister **Jean Chrétien**, he served nearly 15 years in the Senate.

The following day, the Senate paid tribute to Senator **Marcel Prud'homme**, who was retiring on November 30 after a long political career. In 1993, after 29 years in the Commons, he was appointed to the Senate on the recommendation of Prime Minister **Brian Mulroney**, the only Liberal appointed to the Senate by Mr Mulroney. Mr Prud'homme sat as an independent.

Senator **Jerahmiel Grafstein** also reached retirement age during this period. On December 9, 2009, the senators paid tribute to his contributions to Canada, Parliament and the Senate. He was called to the Senate by Prime Minister **Pierre Trudeau** in 1984, and in the course of his 25 years of service sat on every single standing Senate committee. He introduced many bills in the Senate, including one calling for the creation of the position of Parliamentary Poet Laureate.

On December 10, 2009, the Senate paid tribute to Senator **Lorna Milne**, who was retiring on December 13. Senator Milne was appointed to the Senate on September 21, 1995, on the recommendation of Prime Minister Chrétien. Her outstanding achievement was undoubtedly her seven-year campaign to ensure access to census data for research purposes, which led to the passage of Bill S-18.

These retirements and the appointment of over 30 new



Conservative senators in the course of the past year have changed the face of the Senate. On January 1, 2010, there were 46 Conservative senators, 49 Liberals and five vacant seats. On January 29, the Prime Minister announced the appointment of five new Conservative senators: **Pierre-Hugues Boisvenu**, founding president of the Murdered or Missing Persons' Families' Association (MMPFA); **Bob Runciman**, former MPP for the Ontario riding of Leeds–Grenville; **Vim Kochhar**, founder and president of Toronto's Vival Group of Companies; **Elizabeth (Beth) Marshall**, who represented the riding of Topsail in Newfoundland's House of Assembly; and **Rose-May Poirier**, former MLA for the New Brunswick riding of Rogersville–Kouchibouguac. The new senators fill vacancies in Quebec, Newfoundland and Labrador and New Brunswick, as well as two in Ontario. The appointments give the government a plurality of seats in the Senate.

**Marie-Eve Belzile**  
Procedural Clerk



The parliamentary reform of April 2009 improved citizens' right to petition by allowing for electronic petitions, launched and signed via the National Assembly Internet site. The official roll-out of this new way of petitioning took place on December 3, 2009. Over the course of the month, eight electronic petitions were launched, and collected

almost 25,000 signatures. The first presentation of electronic petitions will occur in February 2010, when the National Assembly resumes sitting.

A further element in the parliamentary reform requires the government to respond to petitions presented in the National Assembly. In accordance with the deadlines set out in the Standing Orders, six of the petitions presented this Fall have now received a government response.

### Parliamentary proceedings

Under the new parliamentary calendar adopted in April 2009, the Assembly recessed on Friday, December 4, 2009. This enabled the Members to do a final week of work in their ridings before the Christmas holiday.

By the time they recessed, the Members of the National Assembly had passed 24 public bills, including one private Member's bill, and five private bills.

### Make-up of the National Assembly

**Éric Caire**, MNA for La Peltre, and **Marc Picard**, MNA for Chutes-de-la-Chaudière, both members of Action Démocratique du Québec, left their party to sit as independents on November 6, 2009.

**Jean D'Amour**, MNA for Rivière-du-Loup, left the Québec Liberal Party to sit as an independent on November 10, 2009. He rejoined the Liberal caucus on December 23, 2009.

**Gérard Deltell**, Action Démocratique du Québec MNA for Chauveau, became leader of the second-largest opposition party on November 19, 2009.

**Camil Bouchard**, Parti Québécois MNA for Vachon, announced his resignation on December 14, 2009. It took effect on January 6, 2010.

The distribution of seats in the National Assembly is now as follows: Liberal Party of Québec, 67 MNAs; Parti Québécois, 50 MNAs; Action Démocratique du Québec, 4 MNAs; Québec Solidaire, 1 MNA; independents, 2 MNAs; and one vacant seat.

### Speaker's rulings

On November 10 and 11, 2009, the Chair handed down two rulings. One pertained to the decision by two MNAs belonging to the second-largest opposition party to sit as independents, and the other established their allotted speaking time and their rights of intervention in the Chamber.

As part of the parliamentary reform of April 2009, the Assembly unanimously adopted temporary new rules governing the recognition of political parties and the organization of parliamentary proceedings. These rules provide not only for the recognition of Action Démocratique du Québec as a party, but also for the allocation of rights of intervention among opposition MNAs during the 39th Legislature.

The Chair said that it intended to respect the spirit of the new rules. Only a further vote by the Assembly on these matters would allow the Chair to apply different rules. Under the rules adopted on April 21, 2009, Action Démocratique du Québec still constitutes a recognized party, in other words a political party that in the most recent general election elected at least five MNAs and garnered at least 11% of the vote.

With regard to the allocation of rights of intervention among opposition MNAs, and with a view to respecting the choice made by the Assembly when it unanimously adopted the new rules, the Chair pledged to protect the rights of the official opposition and those of the MNA for Mercier as well. For this reason, the two new independents' allotted speaking time and rights of intervention in the Chamber would be established on the basis of the speaking time and rights currently enjoyed by MNAs belonging to the second-largest opposition party.

#### Other events

On December 4, 2009, the Assembly voted on a motion by **Véronique Hivon**, MNA for Joliette, to set up an ad hoc committee to consider the issue of the right to die with dignity. The Members adopted the motion unanimously. Public hearings will be held in the coming months. The *ad hoc* committee's consultations will take place in various regions of Québec, and will be rounded out by online consultations.

#### Mock parliaments

As happens every year during the Christmas break, mock parliaments were held in the Chamber. On December 26-30, 2009, about a hundred students aged 18 to 25 gathered to reproduce the operations of the National Assembly with the holding of the 60th sitting of the *Parlement Jeunesse du Québec*. On January 2-6, 2010, the young members of the *Parlement Étudiant* met for their 27th sitting.

On January 10-14, 2010, over 140 CEGEP students met at the National Assembly for the

18th Forum Étudiant. Organ donation, water consumption and energy drinks were the key topics at this mock parliament, which brought together students from more than 30 CEGEPs.

#### Médaille d'honneur of the National Assembly

On October 22, 2009, the Speaker of the National Assembly, **Yvon Vallières**, presided over a ceremony at which he presented the National Assembly's *Médaille d'honneur* [medal of honour] to **Patrice Brisebois** for his career as a hockey player and his involvement in the community.

In November, the Speaker awarded the *Médaille d'honneur* to the writers and actors of *Broue* to mark the play's 30th anniversary, as well as to singer **Michel Louvain** for his 50 years in the performing arts.

Sylvia Ford

Assembly Secretariat

#### Committees

On October 6 and 7, 2009, the Committee on Agriculture, Fisheries, Energy and Natural Resources reviewed Hydro-Québec's 2009-2013 strategic plan, and questioned the Crown corporation's executives about the policy directions it plans to adopt. The main thrusts of the strategic plan are energy efficiency, sustainable energy and technological innovation. The last time this major exercise was carried out by parliamentarians was in September 2006.

It should be noted that the Committee's name was changed on December 2, 2009, from the Committee on Agriculture, Energy and Natural Resources to include fisheries.

The Public Finance Committee considered a number of bills,

including Bill 63, the *Business Corporations Act*. The Bill constitutes a major reform of the statutory framework applicable to bodies currently regulated by the *Companies Act*. Prior to its in-depth consideration of this bill, the Committee held two public hearings, during which it received 12 submissions and heard from a panel of experts as well as from eight organizations.

The Committee also held select consultations on Bill 65, *An Act respecting Infrastructure Québec*, and considered it in depth. The Bill creates Infrastructure Québec, an agency whose mission is to assist in the planning and carrying out of infrastructure projects by public bodies and to improve the quality of services to the public in the framework of such projects. Bill 65 gives Infrastructure Québec the functions currently exercised by Quebec's Agence des partenariats public-privé.

On October 6 and 7, 2009, the Committee on Institutions continued public hearings on Bill 48, *Code of ethics and conduct of the Members of the National Assembly*. The Committee received 12 submissions and held five hearings as part of its deliberations. Bill 48 enacts a code of ethics for Members of the National Assembly. It contains various measures and rules applicable to MNAs and Cabinet Ministers.

As part of its general consultations on the draft bill entitled *An Act to amend the Civil Code and other legislative provisions as regards adoption and parental authority*, the Institutions Committee was mandated to hold an online consultation. There were 254 individuals and groups who participated in the online consultation by filling

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out a questionnaire available on the National Assembly Internet site. The responses to the questionnaire were transmitted to the members of the Committee to assist them in their deliberations.

In the Fall, the Committee on Citizen Relations held select consultations on Bill 60, *An Act to Amend the Consumer Protection Act and other legislative provisions*, and considered it in depth. The Committee received 12 submissions and heard from 12 organizations during its select consultations. Bill 60 introduces a number of amendments to the *Consumer Protection Act*, including special provisions for contracts involving sequential performance of a service provided at a distance, and rules governing pre-sale disclosure.

On November 19, the Committee on Labour and the Economy reviewed the policy directions, activities and management of the Commission des relations du travail and heard from Commission executives. The Committee's right to oversee the Commission arises from the accountability provisions set out in the Standing Orders of the National Assembly. These require parliamentary committees to examine the "policy directions, activities, and management" of at least one body subject to their right of oversight every year.

The Committee also devoted four sittings to in-depth consideration of Bill 73, *An Act to provide for measures to fight crime in the construction industry*. Before undertaking its consideration of this bill, the Committee held select consultations during which it heard from seven organizations. Among other things, Bill 73 amends the conditions for issuing contractor and owner-builder licences and

tightens the restrictions on such licences. The Bill also provides for increased fines designed to discourage false statements made to obtain a licence, failure to respect the conditions attached to acting as a job-site steward, offers by an employer of an advantage to a union representative and acceptance of such an advantage by a union representative.

On November 4, 2009, the Health and Social Services Committee presented a report entitled *Itinérance, agissons ensemble [let's act together on homelessness]* as part of its mandate to investigate homelessness in Québec. In the report, which makes 33 recommendations, the Committee tackles the topics of income and housing, health and social services, education and reintegration into the community. During its study, the Committee received 145 submissions and heard 104 individuals and groups from various sectors, including community groups, formerly homeless people, academics, research groups, government departments, health care and social service agencies, etc. The Committee held 12 days of public hearings in Montreal, Trois-Rivières, Gatineau and Québec City. A complete copy of the Committee's report [in French only] can be found on the National Assembly Internet site at [www.assnat.qc.ca](http://www.assnat.qc.ca).

In addition, the Committee was mandated to undertake select consultations and hold public hearings on the issue of the right to die with dignity. The Committee will be hearing from experts who will discuss end-of-life conditions and care, the law and possible terms and conditions regulating the right to euthanasia, and other

matters that may provide useful information to the members of the Committee. At the end of the hearings, the Committee will produce a discussion paper intended to help the public take part in the general consultation that will occur subsequently. This general consultation will be led by an ad hoc committee struck to study the question. The general consultation should start in August.

In October and November, the Committee on Transport and the Environment held select consultations on the document entitled *Le Québec et les changements climatiques – Quelle cible de réduction d'émissions de gaz à effet de serre à l'horizon 2020? [Québec and climate change -- what greenhouse gas reduction targets for 2020?]*. The document sets out the issues involved in adopting a greenhouse gas emissions reduction target for Québec by 2020 and asks its readers for their ideas about Québec's commitment over this timeframe and about the nature and scope of what needs to be done. The Committee received 48 submissions.

On November 26, the Public Administration Committee presented its 23rd report on the accountability of deputy ministers and heads of public agencies to the National Assembly. The report deals principally with health care, housing and the mining sector. It contains 13 recommendations adopted unanimously by its members. The recommendations illustrate the importance in the eyes of the Committee's members of the implementation by departments and public bodies of recommendations made



by the Auditor General and by parliamentarians.

In its report the Committee also deals with funding for community organizations from the Ministry of Health and Social Services and health and social services agencies, government measures for promoting and attracting direct foreign investment, and the review of five annual management reports.

On December 1, 2009, the MNA for Shefford, **François Bonnardel**, was elected Vice-Chair of the Public Administration Committee, a position he had previously held from April 23 to October 29, 2009.

To learn more about the work of parliamentary committees, please consult the National Assembly of Québec's Internet site at [www.assnat.qc.ca](http://www.assnat.qc.ca).

**Stéphanie Boutin**  
Committees Secretariat



## Yukon

On December 17th, the 2009 Fall Sitting of the First Session of the 32nd Legislative Assembly adjourned. The 28-day sitting had convened on October 29th. The Sitting concluded with Assent being given in the Chamber by the Commissioner of Yukon, **Geraldine Van Bibber**.

In the Fall Sitting, a total of 9 bills (all Government bills) were granted Assent by Commissioner Van Bibber:

- Bill No. 16, *Fourth Appropriation Act, 2008-09*
- Bill No. 17, *Second Appropriation Act, 2009-10*

- Bill No. 73, *Act to Amend the Registered Nurses Profession Act*
- Bill No. 75, *Second Miscellaneous Statute Law Amendment Act, 2009*
- Bill No. 76, *Act to Amend the Motor Vehicles Act*
- Bill No. 77, *Act to Amend the Public Health and Safety Act*
- Bill No. 78, *Act to Amend the Elections Act*
- Bill No. 79, *Act to Amend the Medical Profession Act*
- Bill No. 80, *Act to Amend the Access to Information and Protection of Privacy Act and the Health Act*

## Party Standings

During the Fall of 2009, the Yukon Party Government was temporarily in a minority position. On August 28, 2009, **Brad Cathers**, Member for Lake Laberge, resigned from Cabinet and left the Yukon Party caucus to sit as an Independent member, effectively placing the Government in a minority situation (the 18 member House comprised: 9 Yukon Party MLAs, 5 Liberal Party MLAs, 2 NDP MLAs, and 2 Independents, including Mr. Cathers). Mr. Cathers, who had been Minister of Energy, Mines and Resources, and the Government House Leader, indicated that he had a disagreement with the Premier, but hoped to rejoin caucus under different leadership.

On October 22, 2009, one week before the 2009 Fall Sitting began, **John Edzerza**, Member for McIntyre-Takhini, joined the Yukon Party caucus as a backbencher, restoring the Government's majority status. Mr. Edzerza, who had been elected in the October 2006 general election as an NDP member, left that caucus to sit as an Independent member on

January 26, 2009. Mr. Edzerza had first been elected to the Legislative Assembly under the Yukon Party banner in the November 2002 general election, and had then resigned as a Minister and left that caucus to sit as an Independent, in August 2006.

Current standings in the Yukon Legislative Assembly are 10 Yukon Party MLAs, 5 Liberals, 2 New Democrats and 1 Independent member.

## Leadership Change – Yukon NDP

On September 26, 2009, **Elizabeth Hanson**, President of the Yukon NDP, was acclaimed as the new Leader of the Yukon NDP, during the Party's convention in Whitehorse that weekend. Ms. Hanson does not have a seat in the House, but observed proceedings from the Gallery during the 2009 Fall Sitting. On February 5, 2009, **Todd Hardy** (Whitehorse Centre), Leader of the Third Party, publicly announced his intention to step down as Leader of the NDP, to focus his efforts on fighting leukemia and regaining his health. Mr. Hardy retained his seat, and remains Leader of the Third Party in the House. Mr. Hardy was first elected to Yukon's Legislative Assembly in 1996. After losing his seat in the 2000 election, he was re-elected in 2002 (the same year he won the NDP leadership), and again in 2006. Mr. Hardy and **Steve Cardiff** (Mount Lorne) comprise the NDP Caucus in the Yukon Legislative Assembly.

## Select Committees

The 2009 Fall Sitting saw the establishment of three new Select Committees. Following the adoption by the House during Private Members' Business on

November 4, 2009 of Mr. Hardy's Motion #852, as amended, a Select Committee on Bill #108, *Legislative Renewal Act*, was established. Bill #108, introduced by Mr. Hardy, had received first reading during the 2007 Fall Sitting. The membership of the Committee has not been struck at the time of writing, but, per the terms of the motion, will include a representative of each of the three Parties in the House. The Committee is due to report its findings and recommendations to the House no later than the 2011 Fall Sitting of the Legislative Assembly.

On November 18, 2009, during Private Members' Business, two more Select Committees were established. First, the House adopted Mr. Cardiff's Motion #850, establishing a Select Committee on the *Landlord and Tenant Act*. The membership of this all-Party Committee has since been struck, **Archie Lang** (Porter Creek Centre, Yukon Party), Chair; Mr. Cardiff, Vice-Chair; and **Darius Elias** (Vuntut Gwitchin, Liberal Party), and the Committee has met. The Committee is due to report to the House no later than the 2010 Spring Sitting of the Legislative Assembly.

Next, the Assembly adopted **Steve Nordick's** (Klondike, Yukon Party) Motion #834, establishing a Select Committee on the Safe Operation and Use of Off Road Vehicles. The membership of the Committee has not been struck at the time of writing, but, per the terms of the motion, will include a representative of each of the 3 Parties, as well as the Independent Member, Mr. Cathers. The Committee is due to report to report its

findings and recommendations in the 2010 Fall Sitting of the Legislative Assembly.

### Cabinet Shuffle

Following a Cabinet shuffle on February 4, 2010, ministerial portfolios are as follows:

- **Premier Dennis Fentie:** Executive Council Office, Finance, Yukon Development Corporation, Yukon Energy Corporation
- **Elaine Taylor:** Deputy Premier, Tourism and Culture, Public Service Commission, House Leader
- **Marian C. Horne:** Justice, Women's Directorate
- **Archie Lang:** Highways and Public Works, Community Services
- **Glenn Hart:** Health and Social Services, Yukon Hospital Corporation, Yukon Workers' Compensation Health and Safety Board, French Language Services Directorate
- **Jim Kenyon:** Economic Development, Yukon Housing Corporation, Yukon Liquor Corporation, Yukon Lotteries' Corporation
- **Patrick Rouble:** Education, Energy, Mines and Resources
- **John Edzerza:** Environment

The news release announcing the cabinet shuffle also indicates that Mr. Nordick – a private member who is the Legislative Assembly's Deputy Speaker and Chair of the Committee of the Whole – becomes Cabinet Commissioner for Community Services, Highways and Public Works.

### Report of the Auditor General

On February 9th, the Auditor General of Canada, **Sheila Fraser**, was in Whitehorse to release a report entitled *Yukon Housing Corporation*. That morning, Ms. Fraser provided a briefing on the report to MLAs in the legislative Chamber. Later

that week (on February 11th), the Standing Committee on Public Accounts (whose Chair is **Arthur Mitchell**, Copperbelt, Leader of the Liberal Party) held a public hearing in the Chamber to consider 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 Yukon Housing Corporation, the Department of Health and Social Services, and the Public Service Commission with respect to the findings in Ms. Fraser's Report. The first witness called – **Rudy Couture**, Chair of the Board of Directors of the Yukon Housing Corporation – is also the Sergeant-at-Arms of the Yukon Legislative Assembly. The Public Accounts Committee will prepare a report on the Auditor General's Report and the related public hearing held by the Committee. The report will be tabled in the 2010 Spring Sitting.

**Linda Kolody**  
Deputy Clerk



### Prince Edward Island

The Third Session of the Sixty-third General Assembly adjourned to the call of the Speaker on December 8, 2009, after 15 sitting days. A total of 23 bills received Royal Assent at the conclusion of the sitting.

Treasurer **Wes Sheridan** presented the capital budget in the Legislative Assembly on

November 27, 2009. The plan will provide investments of \$136.7 million in infrastructure for the health care system over the next five years; highway infrastructure accounted for another \$229 million over that time frame. The Treasurer indicated that the budget allows for the creation of 1,625 jobs, new tax revenues of \$11.4 million and an improvement to the provincial GDP of \$62 million in 2010-2011.

Several pieces of significant legislation received Royal Assent during the fall sitting. Among them:

A number of amendments were made to the *Employment Standards Act* including an additional week of paid vacation after eight continuous years of employment, one day of paid bereavement leave, banking of overtime hours, and enhanced pay protections. The Act will now allow for the possibility of different minimum wage rates for employees or classes of employees in different employments or different classes of employments. During debate on the legislation, the Minister of Communities, Cultural Affairs and Labour, **Carolyn Bertram**, indicated that she would be asking a standing committee of the Legislative Assembly to seek public input on this measure.

*Highway Traffic (Cell Phone) Amendment Act* (Bill No. 6) prohibits a person from driving a motor vehicle on a highway while holding or using a held-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, email or text messages. Several exemptions are permitted including using a device in hands-free mode, and using a

device to contact emergency services. The law came into effect as of January 23, 2010.

The *Health Services Act* (Bill No. 11) will create an arms length governing body called *Health PEI* which will be responsible for the delivery of health care in the province. The entity will have a global budget and authority to deliver services in accordance with Department of Health policy, plans and overall direction.

The *Tobacco Damages and Health Care Costs Recovery Act* (Bill No. 12) will allow the province to take action against manufacturers and promoters of tobacco products to recover past health care costs caused or contributed to by tobacco use.

### Changes to Executive Council

A number of changes to Executive Council, along with a re-alignment of provincial government departments, were announced on January 13, 2010. The new cabinet consists of Premier **Robert Ghiz** who will also be Minister Responsible for Acadian and Francophone Affairs; **George Webster** to act as Deputy Premier in addition to his role as Minister of Agriculture; **Wes Sheridan** as Minister of Finance and Municipal Affairs; **Carolyn Bertram** as Minister of Health and Wellness (including Aboriginal Affairs); **Doug Currie** as Minister of Education and Early Childhood Development and Attorney General; **Ron MacKinley** as Minister of Transportation and Infrastructure Renewal; **Janice Sherry** as Minister of Community Services, Seniors and Labour (including Status of Women); **Robert Vessey** as Minister of Tourism and Culture. **Richard Brown**, Minister of

of Environment, Energy and Forestry; **Neil LeClair** Minister of Fisheries, Aquaculture and Rural Development; and **Allan Campbell**, Minister of Innovation and Advanced Learning retained their current portfolios.

In other changes, Evangeline Miscouche MLA **Sonny Gallant** was named as Government House Leader and Belfast Murray River MLA **Charles McGeoghegan** became Government Whip.

### Changes to Standing Committee Structure

The mandates of several of the standing committees of the Legislative Assembly were revised as of the opening of the Third Session of the Sixty-third General Assembly on November 12, 2009. They are the:

- Standing Committee on Agriculture, Environment, Energy and Forestry is now charged with matters concerning agriculture, the environment, energy and forestry;
- Standing Committee on Health, Social Development and Seniors is concerned with health, social development and seniors; and responsible for recommending to the Legislative Assembly persons to serve on the Prince Edward Island Human Rights Commission;
- Standing Committee on Education and Innovation has matters concerning education, higher learning and economic development as its mandate.
- Standing Committee on Fisheries, Transportation and Rural Development will consider matters concerning fisheries, transportation and rural development; and
- Standing Committee on Community and Intergovernmental Affairs will deal with community and



cultural affairs, labour and justice, intergovernmental affairs and the Constitution of Canada.

No changes were made to the Standing Committee on Legislative Management, the Standing Committee on Public Accounts or the Standing Committee on Privileges, Rules and Private Bills.

### Report of the Indemnities and Allowances Commission

The three-member Indemnities and Allowances Commission concluded its review of salaries and benefits of Members of the Legislative Assembly. In its report, tabled on December 1, 2009, by Speaker **Kathleen Casey**, the Commission determined that there will be no change in salaries for the fiscal year beginning April 1, 2010. Salaries for MLAs will remain at the current level. Commenting in the Assembly, Premier Ghiz indicated that he plans to recommend amendments to the *Legislative Assembly Act* that would see a freeze in MLA salaries go one year further into 2011-2012. He also intends to freeze the salaries of deputy ministers and other members of the senior compensation plan for a two-year period.

### Conference Activity

From 16-20 August 2010 inclusive, Hansard PEI will host the Hansard Association of Canada conference, which will be the first time that it has been held here.

**Marian Johnston**  
Clerk Assistant and  
Clerk of Committees



### British Columbia

The House adjourned for the First Session of the Thirty-ninth Parliament on November 26, 2009. Since the last legislative report, government bills that passed and received Royal Assent include:

- Bill 18 – *Assistance to Shelter Act* enables the police to assist homeless British Columbians to shelters when communities issue extreme weather alerts; and
- Bill 19 – *Lobbyists Registration Amendment Act, 2009* strengthens the reporting requirements for lobbyists and grants the registrar of lobbyists new investigative and enforcement authority.

### Special Sitting

Under the 2009 Parliamentary Calendar, the House was typically scheduled to meet Monday to Thursday inclusive. In the fall sitting, Thursday, November 5 had originally been the last scheduled sitting day before the Remembrance Day constituency week. However, noting the “critical and serious situation” posed by the H1N1 flu outbreak, Government House Leader **Michael de Jong** moved that the House sit on Friday November 6 from 9 a.m. to 1:30 p.m. in order to continue debate on Bill 21, *Ambulance Services Collective Agreement Act*. Bill 21 sought to resolve the ongoing labour dispute involving

the province’s ambulance paramedics and dispatchers. The early afternoon adjournment was selected to permit Members to greet Their Royal Highnesses, The Prince of Wales and The Duchess of Cornwall during their visit to the precinct.

During the lengthy Friday special sitting, the Opposition House Leader **Mike Farnworth** moved an amendment to hoist Bill 21 for six months. Following the Royal Visit, debate on the hoist motion resumed and continued until 2 a.m. on Saturday. The hoist motion was defeated and Bill 21 ultimately passed all three stages, on division, and received Royal Assent before the House adjourned at 8:10 a.m. on Saturday, November 7.

### 2010 Parliamentary Calendar

In order to accommodate the 2010 Olympic and Paralympic Winter Games, the House approved a sessional order on November 26, 2009 amending the sitting days for the Second Session of the Thirty-ninth Parliament. Under the revised 2010 Parliamentary Calendar, the Legislative Assembly will:

- Convene for three sitting days during the second week of February, then adjourn for the remainder of February;
- Reconvene on March 1, with Budget Day rescheduled for March 2;
- Adjourn for a constituency week on March 15, to coincide with the second week of school spring break;
- Sit consecutively from March 22 to June 3, with constituency weeks on April 5 and May 10.

### Committee Report

On November 13, 2009, the Select Standing Committee on Finance and Government Services released its report on

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the 2010 budget consultations. This year, the Finance Committee received close to 3,500 submissions, held seven public hearings in communities around the province, and used video-conferencing technology to hear from presenters in six remote communities.

The report contains 28 recommendations to government, including: suggestions for improving health care and promoting healthy living programs; options for investing in K-12 and post-secondary education; an endorsement for continued investments in the arts; as well as specific recommendations for strategic investments in B.C.'s primary industries. This year, the Committee resolved to vote on each of the report's recommendations in open

session. While Opposition Members endorsed a majority of the Committee's recommendations, they voted against the adoption of the report.

#### **Statutory Officers**

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On December 21, 2009, a Special Committee of the Legislative Assembly recommended the appointment of **Fiona Spencer** as British Columbia's independent Merit Commissioner. Ms. Spencer had previously served at the assistant deputy minister level with the federal public service, and has held executive positions in the human resources field in a number of federal departments and agencies during her 30 year career. Ms. Spencer replaces **Joy Illington**, a long time senior public servant, who retired at the end of her three-year term of office.

On January 19, 2010 **David Loukidelis** resigned as B.C.'s Information and Privacy Commissioner and Registrar of Lobbyists. The following day, it was announced that, effective February 1, he would be appointed as the province's deputy Attorney General. The province's Conflict of Interest Commissioner, **Paul Fraser, QC**, was appointed as acting Information and Privacy Commissioner and Registrar of Lobbyists on January 25, pending the recommendation of the recently appointed Special Committee to Appoint an Information and Privacy Commissioner.

**Jonathan Fershau**  
Committee Research Analyst