



Legislative Reports



Nunavut

The winter 2011 sitting of the Legislative Assembly convened on February 22, 2011. The House unanimously adopted motions at its sitting of February 25, 2011, to invite witnesses from the Government of Canada and Northern retailers to appear before the Committee of the Whole during the spring sitting to respond to Members' questions concerning the federal Nutrition North Canada Program. The motions were moved by Quttiktuq MLA **Ron Elliott** and seconded by Rankin Inlet North MLA **Tagak Curley**.

The 2nd Session of the 3rd Legislative Assembly was prorogued on February 25, 2011. The 3rd Session convened on February 28, 2011. Commissioner of Nunavut **Edna Ekhivalak Elias** delivered the Opening Address.

Minister of Finance and Cambridge Bay MLA **Keith Peterson** delivered the Budget Address on March 1, 2011. The proceedings of the Committee of the Whole during the winter 2011 sitting of the House were dominated by the scrutiny of the Government of Nunavut's proposed 2011-2012 main estimates and departmental business plans. The winter sitting concluded on March 10, 2011.

In April of 2011, Speaker and Iqaluit West MLA **Paul**

Okalik resigned his seat in the Legislative Assembly in order to stand for office in the 41st Canadian general election, which was held on May 2, 2011.

When the Legislative Assembly reconvened on May 31, 2011, for its spring sitting, Iqaluit Centre MLA **Hunter Tootoo** was elected to serve as Speaker. Speaker Tootoo is the longest-serving Member of the Legislative Assembly, having been elected in the 1st territorial general election of February 1999.

Senior executives from the North West Company, Arctic Co-operatives Limited and Arctic Ventures appeared before the Committee of the Whole from June 1-2, 2011. Members from both sides of the House posed a number of questions and interventions during these deliberations.

Committee of the Whole proceedings during the spring sitting also included Members' consideration of the Government of Nunavut's most recent annual reports on departmental contracting, procurement and leasing activities, in addition to those of the Qulliq Energy Corporation.

The House adjourned for the summer recess at the conclusion of its sitting of June 9, 2011. The 3rd Session will reconvene on October 18, 2011. It is anticipated that the proceedings of the fall sitting will be dominated by the scrutiny of the Government of Nunavut's proposed 2012-2013 capital estimates.

Legislation

A dozen bills have been passed to date by the Legislative Assembly during the 3rd Session:

- Bill 1, *Appropriation (Operations and Maintenance) Act, 2011-2012*
- Bill 2, *An Act to Amend the Scientists Act*
- Bill 3, *An Act to Amend the Income Tax Act*
- Bill 4, *Miscellaneous Statutes Amendment Act, 2011*
- Bill 5, *Miscellaneous Statutes Amendment Act, 2011, No. 2*
- Bill 6, *Supplementary Appropriation (Capital) Act, No. 1, 2011-2012*
- Bill 7, *Supplementary Appropriation (Operations and Maintenance) Act, No. 5, 2010-2011*
- Bill 8, *Supplementary Appropriation (Operations and Maintenance) Act, No. 1, 2011-2012*
- Bill 9, *An Act to Amend the Child and Family Services Act*
- Bill 10, *An Act to Amend the Nunavut Housing Corporation Act*
- Bill 11, *Legislative Assembly Statutes Amendment Act*
- Bill 12, *An Act Respecting Nunavut Elections*

Committee Activities

The Standing Committee on Oversight of Government Operations and Public Accounts held hearings from April 14-15, 2011, on the 2011 *Report of the Auditor General of Canada to the Legislative Assembly of Nunavut on Children, Youth and Family Programs and Services in Nunavut*. These hearings marked **Sheila Fraser's** tenth and final appearance before a Committee

of the Legislative Assembly of Nunavut. Members of the Standing Committee took the opportunity to pay public tribute to Ms. Fraser's decade of service to the territory.

On June 9, 2011, Committee Chairperson and South Baffin MLA **Fred Schell** presented the Standing Committee's report to the House on its hearings. Under Rule 91(5) of the *Rules of the Legislative Assembly of Nunavut*, the government is required to provide, upon request, formal responses to committee reports within 120 days.

Nunavut Electoral Boundaries Commission

On October 25, 2010, the Legislative Assembly established an Electoral Boundaries Commission. The Commission, which held public hearings across the territory during early 2011, released its report on June 6, 2011. The Commission has recommended that three new seats be added to the Legislative Assembly. At present, there are nineteen seats in the legislature.

The Legislative Assembly is anticipated to consider the report during its upcoming fall sitting. The *Nunavut Elections Act* provides that any changes to Nunavut's electoral boundaries and the number of constituencies in the Legislative Assembly will not come into effect until the next general election.

The Order of Nunavut

On June 29, 2011, Speaker of the Legislative Assembly and Chairperson of the Order of Nunavut Advisory Council **Hunter Tootoo** announced the first appointments to the Order of Nunavut. The Order of Nunavut will be bestowed on the late **Jose Amaujaq Kusugak**, the late **Mark**

Kalluak, C.M. and the Reverend **Michael Gardener, C.M.**

On January 1, 2010, *The Order of Nunavut Act* came into force. The objective of the Order is to recognize individuals who have made outstanding contributions to the cultural, social or economic well-being of Nunavut. The Order is the highest honour of Nunavut and takes precedence over all other orders, decorations or medals conferred by the Government of Nunavut.

The first investiture ceremony will be held in the fall of this year on a date to be announced. The Commissioner of Nunavut will preside over the ceremony in her capacity as Chancellor of the Order. Nominations for the Order will re-open later this year.

Upcoming By-Elections

Three by-elections will take place on September 12, 2011, to fill vacancies in the constituencies of Iqaluit West, Pangnirtung and Tununig.

Alex Baldwin

Office of the Legislative Assembly
of Nunavut



Saskatchewan

The spring sitting concluded on May 19, 2011. During the spring period of session, the Lieutenant Governor, gave royal assent to 26 bills including an Appropriation Bill to defray the expenses of the Public Service.

In the Spring session, two Opposition Bills resulted in the Government introducing

legislation that included similar legislative changes.

Bill No. 625 – *The Saskatchewan Respectful Language Act*, introduced by **David Forbes**, an Opposition Member, sought to eliminate references to 'mental retardation', 'mentally retarded', 'retardation', 'retarded' or 'retard' from all legislation and regulations in force in the Province of Saskatchewan and replace with 'intellectual disability' or another appropriate form.

Non legislative changes were made to remove the anachronistic phrase and the Assembly agreed to expedite the process to amend the one remaining Private Member's Bill – Bill No. 907 – *The Congregation of the Sisters of St. Elizabeth of the Third Order Regular of St. Francis of Assisi Amendment Act, 2011* that contained the derogatory language. The adoption of this bill resulted in Bill No. 625 being removed from the Order Paper.

Bill No. 622 – *The Workers' Compensation Amendment Act*, a Private Member's public bill introduced by **Andy Iwanchuk**, would have amended the legislation to include esophageal cancer as one of the cancers eligible for compensation if the victim was a firefighter. At Mr. Iwanchuk's request the Assembly agreed to withdraw the Bill. The Government then introduced Bill No. 174 – *The Workers' Compensation Amendment Act* which included compensation for firefighters who suffer from primary site esophageal cancer.

The Legislative Assembly of Saskatchewan hosted the XXVII^e Session de l'Assemblée régionale Amérique de l'Assemblée parlementaire de la Francophonie. The conference took place from August 22 to August 26, 2011.

On November 7, 2011, a general election will be held in Saskatchewan.

Stacey Ursulescu
Committees Researcher



British Columbia

The third session of the 39th Parliament resumed on April 27, 2011 following a nine week adjournment to the spring sitting in order to accommodate the leadership contests of both major political parties. This produced an abbreviated sitting, condensing House business to twenty-four sitting days.

On May 31, 2011, the House passed a motion, on division, to adopt a business schedule under Standing Order 81.1 (Time Allocation) to complete its agenda prior to the announced date of adjournment. The motion, which was accompanied by a proposed schedule for legislation, motions and estimates over three days, provided for the completion of seven bills and all uncompleted estimates on or before 5:30 p.m. on June 2, 2011.

Legislation

At the end of the spring sitting, the following government bills of note received Royal Assent:

- Bill 4 – *Harmonized Sales Tax (HST) and Initiative Vote and Referendum Act, 2011*: Establishes the statutory authority for the HST Referendum 2011 and cancels the application of the *Recall and Initiative Act* to the initiative petition process.

- Bill 5 – *New West Partnership Trade Agreement Implementation Act*: Implements a trade agreement involving British Columbia, Alberta and Saskatchewan.
- Bill 6 – *Civil Forfeiture Amendment Act, 2011*: Makes it more cost-effective to seize property associated with unlawful activity, including small amounts of cash.
- Bill 9 – *Prevention of Cruelty to Animals Amendment Act, 2011*: Amendments include higher penalties and longer jail terms and an extension of the statute of limitations for offences pertaining to cruelty to animals.
- Bill 11 – *Yale First Nation Agreement Act*: Defines Yale First Nation's ownership and management of mineral, forestry and other resources on treaty settlement lands; also defines Yale's rights related to fishing, gathering and harvesting.
- Bill 12 – *Police (Independent Investigations Office) Amendment Act, 2011*: Creates a civilian body, the Independent Investigations Office, to conduct criminal investigations into incidents that result in death or serious harm and involve B.C. police officers.

Committee Activity

The Special Committee to Appoint a Chief Election Officer tabled its final report on May 19, 2011. The Committee unanimously agreed to recommend **Keith Archer** as the Chief Electoral Officer. The Committee's recommendation was subsequently ratified by the House, and Dr. Archer's appointment shall be effective September 1, 2011.

Four Select Standing Committees received their terms of reference before the House recessed: Children and Youth, Finance and Government Services, Health, and Public

Accounts. In addition, the House appointed a Special Committee on Cosmetic Pesticides and a Special Committee to Appoint a Representative for Children and Youth.

By-election

As reported in the Summer 2011 issue, the new Premier, **Christy Clark**, was acclaimed as the BC Liberal candidate for the by-election to be held in Vancouver-Point Grey on May 11, 2011. Premier Clark won the by-election with 48.9 percent of the vote – the first time in thirty years that a member of a governing party has won a provincial by-election.

Recall Petitions

Elections BC announced that the two recall campaigns reported on in the Spring 2011 issue (in Kamloops-North Thompson and Comox Valley electoral districts) have failed. Another recall petition in the electoral district of Maple Ridge Mission has been cancelled.

Changes to the Table

On June 2, 2011, changes were made to the Table, via a resolution passed by the House. **Craig James**, Clerk Assistant and Clerk of Committees becomes Clerk of the Legislative Assembly as of September 1, 2011. He will succeed **E. George MacMinn**, who will serve as Clerk Consultant for a period of twenty-four months. **Kate Ryan-Lloyd** (currently Clerk Assistant and Acting Clerk of Committees) was appointed Deputy Clerk of the Legislative Assembly and Clerk of Committees also effective September 1, 2011.

Susan Sourial
Committee Research Analyst



Ontario

The 2nd Session of the 39th Parliament was prorogued on June 1, 2011, which ended the spring sitting one day earlier than set out by the parliamentary calendar. During the final month of the session, eleven government bills received Royal Assent, five of which were time allocated.

In particular, Bill 196, *An Act to amend the Election Act with respect to certain electoral practices*, received some procedural attention during its course in the Legislature. The bill was introduced on May 17, 2011 to amend the province's *Election Act* to prohibit interference with voting by providing false information and impersonation of election officials, candidates or their representatives, political party or constituency associations. The penalty for these offences was increased to a fine of up to \$25,000 and/or an imprisonment term of up to two years less a day.

On May 18, while Bill 196 sat on the *Orders and Notices Paper* awaiting second reading, Government notice of motion 77 was called. This motion proposed that the Legislature condemn the alleged corrupt acts that took place during the federal election and condemn acts of election fraud, such as misleading phone calls and other attempts to prevent individuals from voting in elections and confirm its resolve that electors in the upcoming provincial election should be free to cast their ballots without any such interference.

The calling of this motion prompted **Peter Kormos** to raise a point of order referring to the anticipation rule prescribed in Standing Order 23(e). This rule being infrequently referenced, Mr. Kormos elaborated by citing Erskine May's *Parliamentary Practice* (23rd edition): "Stated generally, the rule against anticipation (which applied to other proceedings as well as motions), as strictly enforced in earlier times, was that a matter must not be anticipated if it were contained in an equally or less effective form."

Mr. Kormos stated that in this case, the Government notice of motion and Bill 196 both addressed the same core issue: corrupt acts during elections. Therefore, to debate the motion was to anticipate the subject matter of the bill. He further referenced the notation in *Parliamentary Practice* that "a bill is a more powerful, more potent parliamentary process than is the passage of a resolution". The former is statutory and therefore binding while the latter is not.

After recessing the House for over one hour, Speaker **Steve Peters** gave his ruling that the two items, though thematically similar, each asked the House to decide on different questions. As a result, the motion did not offend the anticipation rule and was allowed to be moved. Speaker Peters found that the rule had not been applied rigorously in the past, perhaps to emphasize Members' rights to move motions and bills, and then to debate, speak to and vote on them, as prescribed by the Standing Orders. He explained that if the rule was to be interpreted strictly, it would have to be applied to all business, which could "very well upset the delicate balance" of the House.

Election

Because of the fixed election date on October 6, 2011, it is unlikely that the House will meet again before being dissolved. The province's *Election Act* also sets out a fixed campaign period of 28 days, which means that the dissolution of the Legislature is scheduled to occur on Wednesday, September 7, 2011.

Tribute to MPPs

As the session came to a close, the House set aside an evening for tributes to the many veteran MPPs who have announced they would not run for re-election in October. On May 31, 2011, the House spent a rare and wonderful evening during which Members paid tribute to colleagues who are not returning. Departing Members also had the opportunity to address the House and share their past experience as well as future plans.

At the time of the tribute, the following Members had announced they were not seeking re-election: **Wayne Arthurs; Jim Brownell; Aileen Carroll; Bruce Crozier; Pat Hoy; Jean-Marc Lalonde; Gerry Martiniuk; Bill Murdoch; Steve Peters; Gerry Phillips; David Ramsay; Joyce Savoline; Monique Smith and Norm Sterling.**

Since the tribute night, a few more members were added to the list: **David Caplan; Howard Hampton; Peter Kormos; Sandra Pupatello; and Tony Ruprecht.**

Bruce Crozier

On June 3, 2011, only two days after the House prorogued, **Bruce Crozier** passed away in a hospital in Windsor due to an aortic aneurism. Mr. Crozier was first elected as the Member for Essex in a December 1993 by-election and represented the riding for

over 17 years. Having served as Deputy Speaker since 2003, he worked closely with Assembly staff, who were deeply saddened by his untimely death, especially since he looked forward to retirement and spending more time with his wife of almost 50 years, their two children and five grandchildren. Mr. Crozier's family, friends and colleagues gathered at his funeral on June 8, which included a four-officer Honour Guard provided by the Assembly's Legislative Security Service and a moving eulogy by Premier **Dalton McGuinty**.

Committee Activities

On April 19, the Government tabled the 2011-2012 Expenditure Estimates, which were deemed referred to the Standing Committee on Estimates. The Committee completed its consideration of the 2011-2012 Estimates of the Ministries of Revenue and Government Services, the first two of ten ministries and offices selected for review by the Committee. Consideration of the Estimates of the Ministry of Finance and of the remaining selected ministries was cut short due to prorogation of the House. With the forthcoming election in October, the introduction (or reintroduction) of Estimates by the newly elected government can be expected when the Legislature reconvenes.

Before the House prorogued on June 1, 2011, most Committees were busy with consideration of government legislation including the budget bill, which amends a number of statutes in order to implement elements of the 2011 Ontario Budget, as well as a bill that aims to reduce the supply of contraband tobacco in the province.

The policy-field Committees considered four bills that drew

attention from a wide variety of groups in the province due to the changes they proposed: to allow salaried firefighters mandatory retirement at 60 years of age; to remove legal barriers in order that more children in the care of children's aid societies (CASs) could be adopted; to allow greater market forces in the allocation and pricing of Crown timber; and to increase protection for workers.

Also among the bills considered was Bill 188, *An Act to amend the McMichael Canadian Art Collection Act*. The McMichael Canadian Art Collection is a major public art gallery in Ontario, devoted to collecting only Canadian Art including the works of Tom Thomson, the Group of Seven, their contemporaries, First Nations, Inuit and other artists. Its collection can be enjoyed in a gallery that still resembles the pioneer-style home it once was, surrounded by a woodland setting.

The amendments to the *McMichael Canadian Art Collection Act* provided the gallery with the flexibility to develop more diverse and innovative exhibitions to attract and engage more visitors and enhance interest in its collection. They also made it easier for the gallery to build its collection and ensured the collection continues to focus on the Group of Seven, their contemporaries and the Aboriginal peoples of Canada.

The Standing Committee on Public Accounts tabled eight reports, including one on Committee best practice.

On May 18, the Committee completed its consideration of the 2009 Annual Report of the Auditor General of Ontario by tabling its report on the Assistive Devices Program. The Committee felt that the success of the follow-up process utilized

during its consideration of the Assistive Devices Program should be the subject of a best practice report. While the final report contained only three recommendations, the Ministry had already reported substantial savings in its follow-ups to the Committee. The Committee tabled its best practice report on May 30, 2011.

The first three reports from the Committee's consideration of the 2010 Annual Report were also tabled on May 18, 2011. Through letters to the Speaker, the Committee informed the House that it was satisfied with the responses received from respective Ministries, and that no further recommendations would be made to the following programs: Infrastructure Stimulus Spending; Commercial Vehicle Safety and Enforcement; and Hospital Board Governance.

Completing its consideration of the 2010 Annual Report, the Committee tabled its final three reports on May 30, 2011. The reports on the Family Responsibility Office, the Municipal Property Assessment Corporation, and Non-hazardous Waste Disposal and Diversion contained a total of thirty recommendations. Of particular note was a recommendation in the report on the Family Responsibility Office that a Select Committee be struck to further consider the matter.

Pre-Election Report

Under the *Fiscal Transparency and Accountability Act, 2004*, the government is required to release a pre-election report to provide information on the province's fiscal plan. On April 26, 2011, the government tabled its *2011 Pre-Election Report on Ontario's Finances*, which provides an

estimate on Ontario's finances for the next three fiscal years. Also under the Act, the Auditor General is required to promptly review the pre-election report to determine whether it is reasonable and to describe the results of the review. On June 28, **Jim McCarter**, Ontario's Auditor General, tabled *The Auditor General's Review of the 2011 Pre-Election Report on Ontario's Finances*.

Building Restoration Project

The Legislative Building is undergoing two major projects this summer. One is the final phase of the multi-year plan to upgrade the foundation drainage of the building. This phase consists of the removal and replacement of the interior walls of the existing perimeter foundation, masonry repairs, window conservation and upgrades to existing mechanical and electrical elements past their service life to meet code requirements. The other project is the development of a blueprint to determine future restoration of the Legislative Chamber. This includes the investigation, analysis and documentation of materials and current condition of the entire Chamber ceiling and murals. Future projects and scope of work will be prioritized and established based on this blueprint.

Valerie Quioc Lim
Committee Clerk



Prince Edward Island

On May 13, 2011, the Fourth Session of the Sixty-third General Assembly was prorogued

after 38 sitting days. A provincial general election is scheduled for Monday, October 3, 2011.

Suspension of Leader of the Opposition

On May 13, 2011, during Oral Question Period, the Leader of the Opposition, **Olive Crane**, made the following statement, "Premier, why do you continually mislead and deceive this House..." Speaker **Kathleen Casey** advised that the use of these words was unparliamentary and directed the Leader of the Opposition to withdraw her remarks, which she refused to do. Speaker Casey requested the retraction an additional three times and each time was refused. She then advised that pursuant to the *Rules of the Legislative Assembly* (Rule 38), she had no choice but to name the Hon. Leader of the Opposition for disregarding the authority of the chair. Madam Speaker addressed the Leader of the Opposition as Olive Crane, and then requested a motion to suspend the member from the service of the House, declaring a brief recess for members to consider the matter. Following the recess, Madam Speaker entertained interventions from the Premier and the Leader of the Opposition, after which she called on **Sonny Gallant** (Government House Leader) who moved, seconded by **Wes Sheridan** (Finance and Municipal Affairs), that the Leader of the Opposition be suspended from the service of the House for the remainder of the sitting [prorogation occurred later that day]. The motion was carried in the affirmative, and the Sergeant-at-Arms escorted Ms. Crane from the Chamber.

Naming occurs rarely in the Prince Edward Island Chamber. Prior to this occasion, a member was last named and suspended

from the service of the House on December 5, 2001, when the then-Leader of the Opposition, **Ron MacKinley**, was suspended for the remainder of that sitting day.

Royal Visit

Prince Edward Island has long welcomed holiday-makers and honeymooners to its red shores, but perhaps none have been so warmly received as Their Royal Highnesses, The Duke and Duchess of Cambridge, who visited the province in early July. Following months of planning and preparations, the highly-anticipated official welcome to Prince Edward Island took place at Province House on the morning of July 4, 2011. An estimated 20,000 people lined historic Great George Street, with some royal watchers arriving before dawn to assure themselves a prime vantage point. Following the events in Charlottetown, Their Royal Highnesses proceeded to Dalvay-by-the-Sea, located on the province's north shore, where they competed, along with Premier **Robert Ghiz** and his wife, Dr. **Kate Ellis Ghiz**, in a dragon boat race; and **Prince William** was in the cockpit of a Sea King helicopter demonstrating emergency water landing techniques. They ended their sojourn in Prince Edward Island in Summerside, before departing for the next segment of the Canadian Royal Tour.

New Lieutenant Governor

On July 28, 2011, it was announced that **Frank Lewis** will be installed as the forty-first Lieutenant Governor of Prince Edward Island. Mr. Lewis began his career in 1966 as a junior salesman at CFCY radio. When he retired in 2004, he was the country music station's vice-president and general manager.

After retiring, Mr. Lewis worked as a senior advisor for NewCap Radio, and in 2006 he was inducted into the Canadian Association of Broadcasters Hall of Fame. He is well known for his work in the community through the Confederation Centre of the Arts, the Children's Wish Foundation and the Hillsborough Rotary Club.

Order of Prince Edward Island Recipients Announced

The 2011 recipients of the Order of Prince Edward Island were announced recently by the Chancellor of the Order, **Barbara A. Hagerman**, Lieutenant Governor of Prince Edward Island, and **Maitland MacIsaac**, Chair of the Order of Prince Edward Island Advisory Council. The three Islanders selected to receive the honour are **William C. Callbeck**, **Eleanor Davies**, and Dr. **David Wong**. These three individuals were selected from a total of 55 Islanders nominated to receive the award this year. The honour was first conferred in 1996 with six individuals invested at that time; since then there have been three Islanders invested each year. The honour is awarded as a means of recognizing those Islanders who have shown individual excellence or outstanding leadership in their community and in their chosen occupation or profession. It is the highest honour that can be accorded to a citizen of the Province. It is awarded annually following a public nomination process with not more than three recipients being selected by an independent nine-person Advisory Council each year. Insignia of the Order will be presented by the Lieutenant Governor at a special investiture ceremony in October at Government House, Charlottetown.

150th Anniversary of Confederation Talks

On July 18, 2011, Premier Ghiz announced that **David MacKenzie**, the outgoing CEO of the Confederation Centre of the Arts in Charlottetown, will assume the leadership responsibilities for the upcoming 2014 celebration of the 150th anniversary of the historic meeting of the Fathers of Confederation. "We are delighted that a person of David's background and skills has agreed to take on this important role," said the Premier. "We believe that 2014 will be an important and special year not only for Islanders, but Canadians alike as we build towards 2017 which will mark the 150th anniversary of the founding of Canada." His early priorities will be to work closely with various levels of government to draft a vision framework and business plan for the 150th celebrations.

Book Launch at Province House

The Legislative Assembly of Prince Edward Island hosted the Island launch of Professor **Rusty Bittermann's** award winning book *Sailor's Hope: The Life and Times of William Cooper, Agrarian Radical in an Age of Revolutions* at Province House on May 16, 2011. As part of the Celebrate 160 Lecture Series, Professor Bittermann spoke on the legacy of **William Cooper**, an important figure in Prince Edward Island's pre-Confederation struggle for land reform. The book launch and lecture were part of a series of events taking place at Province House throughout 2011 in celebration of 160 years of responsible government.

Art Exhibit

The Legislative Assembly of Prince Edward Island hosted an exhibition of watercolours and prose by Island artist **Mary Margaret Land Curtis** from July 7 - 25, 2011. On view in the Legislative Chamber, *The Flowers of Canada: A Celebration of Canadian Unity*, featured provincial and territorial floral emblems, symbolizing many of the qualities we value as Canadians – determination, bravery, connectedness, beauty, loyalty and wisdom, among others. She has been painting on Prince Edward Island for the past 25 years, and teaching art classes and workshops for much of that time. This event was part of the celebrations marking this year as the 160th anniversary of responsible government in Prince Edward Island.

Marian Johnston
Clerk Assistant and
Clerk of Committees



The Assembly adjourned its proceedings on June 10, 2011, for the summer recess. In accordance with the Standing Orders of the National Assembly, proceedings will resume on September 20, 2011. From the beginning of the Second Session of the Thirty-ninth Legislature, on February 23, 2011, to the close of proceedings, the Members passed 17 public bills and 3 private bills.

Ruling from the Chair

On May 26 the President gave a ruling on questions that had been

raised following the introduction of Bill 19, *An Act to establish a temporary electoral representation regime and to suspend certain provisions of the Election Act*. More particularly, certain Members argued that a consensus on the content of a bill amending the *Election Act* must be reached before even introducing such a bill.

According to the Chair, Parliament delegated its powers with regard to electoral matters by creating the Chief Electoral Officer and the Commission de la représentation électorale du Québec. It did not, however, lose interest in preserving the electoral system's integrity.

The President recalled his role as guardian of the rights and privileges of the Assembly and of its Members. He must not replace the courts in analyzing the constitutionality of bills that are submitted to the Assembly. The Chair can in no way prevent a Member from introducing a motion or a bill to the Assembly. Only the Assembly may determine the advisability of introducing a bill, examining it and assessing its content. Furthermore, to refuse to debate a matter owing to an initial lack of consensus seems to run counter to the very reason why deliberative assemblies exist.

However, the Chair well appreciates the wish often expressed by the Assembly to have a broad consensus when the time comes to modify the *Election Act*, particularly as regards electoral representation. By taking into consideration all of the statements made and by analogy with the notion of constitutional convention, the Chair believes that we have here a form of parliamentary convention, since there exists a strong political need to obtain

the broadest possible consensus in matters concerning electoral representation.

Composition of the National Assembly

Last June 6, **Pierre Curzi**, Member for Borduas, **Lisette Lapointe**, Member for Crémazie, and **Louise Beaudoin**, Member for Rosemont, all Members of the Official Opposition, informed the Chair of their decision to sit as independent Members. Subsequently, two other Members of the Official Opposition became independent Members: on June 7, **Jean-Martin Aussant**, Member for Nicolet-Yamaska, and on June 21, **Benoît Charrette**, Member for Deux-Montagnes.

On June 21, **René Gauvreau**, Member for Groulx, decided to temporarily withdraw from the Parti Québécois caucus, for the duration of an investigation concerning a former employee of his riding office. He will henceforth sit as an independent Member.

Appointments

On June 9, 2011, further to motions moved by the Premier, **Raymonde Saint-Germain** was reappointed Public Protector for a term of five years; **Christiane Barbe** was appointed chair of the Commission de la fonction publique for a term of five years beginning on June 20, and **Sylvie Godin** will continue her mandate as member and vice-chair of the Commission des droits de la personne et des droits de la jeunesse for a term of five years.

Also, the Assembly named **Lina Desbiens**, **Diane Poitras** and **Alain Morrissette** as members of the Commission d'accès à l'information assigned to the judicial section for a

five-year term, beginning on July 4, 2011.

Other events

On the occasion of the 9th edition of Political Book Day in Québec, held last April 12, **Fatima Houda-Pepin**, First Vice-President of the National Assembly, announced the names of the nine literary award winners. Political Book Day in Québec aims to encourage authors and students who write on topics related to Québec politics and who contribute to promoting this literary genre.

Last May 19, the President of the National Assembly, **Jacques Chagnon**, launched the *Je me souviens* exhibition within the framework of the 125th anniversary of the Parliament Building. This exhibition, which is presented to the public until December 2012, provides a unique opportunity to learn little-known facts about the history and architecture of the Parliament Building.

In collaboration with the Fondation des sourds du Québec inc., the National Assembly now provides visio-guides for deaf persons. This iPod-type equipment features a guided tour of the Parliament Building in sign language that has been entirely carried out by the National Assembly.

Nicole Bolduc
Secretariat of the Assembly

Committees

On June 1-2, 2011, the Committee on Public Finance gave clause-by-clause consideration to Bill 10, *An Act respecting mainly the implementation of certain provisions of the Budget Speech of March 17 and the enactment of the Act to establish the Northern Plan Fund*.

The bill was passed with certain amendments.

On May 25, 26, 27 and 31 on June 1 and 2, the Committee on Institutions gave clause-by-clause consideration to Bill 15, *Anti-Corruption Act*. The bill was passed with certain amendments.

On May 25, 26, 27, 30 and 31 and on June 1, the Committee on Transportation and the Environment gave clause-by-clause consideration to Bill 2, *An Act respecting the construction of a section of Highway 73 from Beauceville to Saint-Georges*, whose purpose is to validate an order in council of 2009 authorizing the extension of Highway 73 from the territory of Ville de Beauceville to that of Ville de Saint-Georges. The Committee had heard 7 persons and organizations beforehand within the framework of special consultations held on May 3.

Lastly, on June 7, this same Committee completed the clause-by-clause consideration of Bill 88, *An Act to amend the Environment Quality Act as regards residual materials management and to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*. It should be mentioned that the clause-by-clause consideration of this bill had begun in May 2010. A total of twelve sittings were set aside for the clause-by-clause consideration of this bill.

Last May 9, the Committee on Planning and the Public Domain travelled to Kuujuaq to hold hearings within the framework of the examination of a petition concerning housing overcrowding in Nunavik. On May 17, the Committee tabled its report in the National Assembly. This report contains four recommendations.

On June 9, 2011, the chair of the Committee on Public Administration, **Sylvain Simard** (Richelieu), tabled in the Assembly the *Twenty-sixth report on the accountability of deputy ministers and chief executive officers of public bodies*. On March 31, 2011, in connection with a matter mentioned in one of the Auditor General's reports, the Committee held a hearing to discuss the administrative expenses of school boards, in pursuance of the *Public Administration Act*. The report also addresses the examination of the annual reports of eight ministries and public bodies and the completion of the second assessment as regards the application of the Committee's recommendations. This report contains 5 unanimous recommendations.

After having completed an extensive general consultation on March 22, 2011, a delegation of the Select Committee on Dying with Dignity will conduct a 10-day mission in Europe during the summer of 2011. From June 27 to July 6, the delegation will travel to France, the Netherlands and Belgium to meet with parliamentarians and stakeholders affected by experiences involving euthanasia and assisted suicide. Moreover, the Committee chair, **Maryse Gaudreault**, will speak at the first Congrès francophone d'accompagnement et de soins palliatifs in Lyon, to present the Committee's work.

For more information on the standing committee proceedings, please visit the Web site of the Québec National Assembly at www.assnat.qc.ca.

Valérie Roy

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The Senate

After the May 2, 2011 general election, there was both continuity and change in a number of key positions in the Senate in the new Parliament. Speaker **Noël A. Kinsella** has continued in office, as have the Leader of the Government, Senator **Marjory LeBreton**, the Leader of the Opposition, Senator **James Cowan**, and the Deputy Leader of the Opposition, Senator **Claudette Tardif**. On the other hand, there is a new Deputy Leader of the Government in the Senate, with Senator **Claude Carignan** taking on these responsibilities, and a new Government Whip, with Senator **Elizabeth Marshall** assuming that role.

The 41st Parliament first assembled on June 2, 2011, following the May 2, 2011 general election, to receive communications from the Crown. The House of Commons was directed to elect its Speaker, and both Houses were informed that the Speech from the Throne would take place in the Senate Chamber on the following day. Among the items of particular interest to the Senate was the government's renewed commitment to pursue reform of the Senate. This time however, the proposed legislation to set fixed mandates and provincially managed elections will be first considered in the House of Commons rather than the Senate.

After the Speech, the Senate appointed a Committee of

Selection to nominate a Speaker *pro tempore* and the senators to serve on the different standing committees. On June 9, 2011, the Committee of Selection presented both its first report, nominating Senator **Donald Oliver** as Speaker *pro tempore*, and its second report, nominating committee membership. Both reports were adopted later that day. As a result, most of the standing committees were able to hold organization meetings during the month of June, and several motions were adopted in the Senate to authorize some of them to start work on special studies.

Bills

As committees were starting their work, the Senate also turned to the consideration of bills. As is standard at the start of each session, the first bill introduced in the Senate was Bill S-1, *An Act relating to railways*. The *pro forma* bill asserts the right of the Senate to deal with other business before proceeding to the consideration of the matters expressed in the Speech from the Throne.

On June 14, 2011, the Standing Senate Committee on Legal and Constitutional Affairs began a pre-study of Bill C-2, *An Act to amend the Criminal Code (mega-trials)*. The bill itself was subsequently referred to the committee, which presented its report on June 23, 2011. The Standing Senate Committee on National Finance also engaged in pre-study work, in this case on Bill C-3, *An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011*. The bill was also referred to the committee while it was engaged in the pre-study, and a report was presented on June 23, 2011. In addition, the Senate passed Bills

C-8 and C-9, the appropriation acts required for funding government operations during the 2011-2012 fiscal years. All these bills received Royal Assent on June 26, 2011.

Bill S-1001, *An Act respecting Queen's University at Kingston*, was introduced in the Senate by Senator **Lowell Murray** on June 8, 2011. A similar bill had been introduced shortly before the dissolution of Parliament for the 41st general election. This was a private bill, proposing to amend the charter for Queen's University in Kingston. Once the bill had passed second reading and been referred to committee the Senate suspended the normal requirement, contained in rule 115, to wait at least one week before starting hearings. As a result the Senate was able to pass the bill on June 23, 2011, and to send it to the Commons, which adopted it in time for Royal Assent on June 26, 2011.

In an unusual turn of events, the Speaker recalled the Senate for a Sunday sitting, on June 26, 2011, in order to deal with Bill C-6, *An Act to provide for the resumption and continuation of postal services*. The bill was read a first time early in the sitting and, with leave, the Senate dealt with it at second reading later the same day. The Senate then resolved itself into a Committee of the Whole to study the bill and hear from several panels of witnesses. The first panel was composed of the Minister of Labour and the Minister of State (Transport), who were accompanied by officials. The second panel included the President and Chief Executive Officer of Canada Post as well as the Chief Operating Officer. The third and final panel consisted of the President as well as

the Director of Research from the Canadian Union of Postal Workers. The committee sat for approximately five hours to hear from the witnesses and deal with the bill clause-by-clause, after which it reported to the Senate without amendment. With leave of the Senate the bill then proceeded to third reading, during which a number of amendments were proposed and rejected. Bill C-6 could thus receive Royal Assent later that evening. **Louise Charron**, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, came to the Senate to grant Royal Assent on behalf of the Crown.

In addition to the bills that reached Royal Assent, several Senate bills were introduced before the Senate adjourned for the summer on June 26, 2011. Consideration of these bills will continue when the Senate resumes sitting on September 27, 2011.

Senators

Since May 2011, there have been three appointments to the Senate. On May 25, 2011, Senator **Fabian Manning** was appointed to represent the province of Newfoundland and Labrador, while Senator **Larry Smith** was named to represent the district of Saurel in Québec. Both Senators had previously sat in the Senate but had resigned their seats to run in the 2011 general election. In addition, Senator **Josée Verner**, a former Member of Parliament for Louis-St-Laurent and Cabinet Minister, was appointed on June 13, 2011, to represent the district of Montarville in Québec.

On June 21, 2011, tributes were paid to the **Lucie Pépin**, Senator for the district of Shawinigan in Québec. Senator Pépin will

retire on September 7, 2011. She was appointed to the Senate on the recommendation of **Jean Chrétien** in 1997. She was the Deputy Whip from 1998-2000 and the Speaker *pro tempore* from 2002-2004.

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Yukon

As reported in the previous edition, on April 16th the Yukon Party announced that a leadership election would be held at the request of then-Premier **Dennis Fentie** (Watson Lake). On May 28th, **Darrell Pasloski** was elected as the new Leader of the Yukon Party. On June 11th, Mr. Pasloski was sworn in as Yukon's 8th Premier by Commissioner **Doug Phillips**, in a ceremony that took place in the Old Territorial Administration Building in Dawson City. Mr. Pasloski is the first Premier to be sworn in in Dawson City, Yukon's seat of government from the formation of the territory in 1898 until 1953.

Pursuant to the *Yukon Act*, each Legislative Assembly is limited to a five-year term. As the writs for the previous general election were returned on October 16, 2006, the writs for the next general election must be issued by October 14th. According to the *Legislative Assembly Act*, a by-election cannot be called in the six months prior to the legal end of an Assembly. As a result, Premier Pasloski will not be able to seek election to the House prior to the general election.

This is the second time that Yukon has had a Premier who was not a Member of the Legislative Assembly. The first instance occurred in March 1985, when **Willard Phelps** was elected to succeed Chris Pearson as leader of the Yukon Territorial Progressive Conservative Party. A general election occurred two months later. While Mr. Phelps secured a seat in that election, the NDP formed the government.

Cabinet Changes, Caucus Changes

On April 21st, **Jim Kenyon**, Minister of Economic Development, Minister responsible for the Yukon Housing Corporation, and Minister responsible for the Yukon Liquor Corporation entered the Yukon Party leadership race. On May 4th, Commissioner Phillips signed an Order in Council revoking Mr. Kenyon's appointment to Cabinet.

Another OIC dated May 4th assigned Mr. Kenyon's former portfolios to **Steve Nordick** (Klondike). Until his appointment to Cabinet, Mr. Nordick had been Deputy Speaker, Chair of the Committee of the Whole, and, as the sole Government backbencher, Cabinet Commissioner for the Department of Community Services and the Department of Highways and Public Works.

Installed as Yukon's Premier on June 11th, Premier Pasloski initially assumed the Finance, Executive Council Office, Yukon Development Corporation and Yukon Energy Corporation portfolios.

On June 27th, Premier Pasloski relinquished responsibility for the Yukon Development Corporation and the Yukon

Energy Corporation, and returned Mr. Kenyon to Cabinet as the Minister Responsible for these corporations.

On June 28th, Premier Pasloski announced that he had invited Independent Member **Brad Cathers** to rejoin the Yukon Party Caucus – an invitation which Mr. Cathers accepted. On August 28th, 2009, citing a serious disagreement with Premier Fentie, Mr. Cathers had resigned from Cabinet, as well as from the Yukon Party Caucus, to sit as an Independent Member. Mr. Cathers retained his Yukon Party membership, and stated at the time that he looked forward to rejoining the Yukon Party Caucus under different leadership. At the time of his August 2009 move, Mr. Cathers had been the Minister of Energy, Mines and Resources, and the Government House Leader.

Death of MLA

On July 6th, **Steve Cardiff**, the member for Mount Lorne, was killed in a motor vehicle accident on the South Klondike Highway. On June 24th, Mr. Cardiff, an MLA since the November 2002 general election, had been acclaimed as the NDP candidate for the new riding of Mount Lorne-Southern Lakes. Hundreds attended his memorial service on July 16th. Tributes recalling Mr. Cardiff's compassion and dedication were offered by colleagues of all political stripes, by the media (the Yukon News called him "A Giant of a Man with a Double-Sized Heart"), and other Yukoners. During the 2010 Fall Sitting (after the July 2010 death of former NDP Leader **Todd Hardy**, and until the outset of the 2011 Spring Sitting, when new NDP Leader **Elizabeth Hanson** took her seat following a December 2010

by-election win) Mr. Cardiff had been the sole NDP representative in the Legislative Assembly.

Members who have Decided not to stand for Re-election

Speaker **Ted Staffen**, elected to the House and as Speaker of the Legislative Assembly, in the 31st and 32nd (i.e. current) Legislative Assembly, has announced that he will not stand for re-election as the MLA for Riverdale North in the upcoming general election. Mr. Staffen, who prior to his election to the Assembly had been a businessman and entrepreneur, indicates that he looks forward to re-entering the private sector in Yukon's booming economy.

As mentioned, Premier Fentie has indicated he will not stand for re-election in the upcoming general election. Mr. Fentie, first elected in the 1996 general election, and re-elected in the general elections of 2000, 2002, and 2006, served as Yukon's Premier from November 30, 2002 to June 11, 2011. Four additional Ministers, as well as a member of the Official Opposition Caucus, have indicated that they will not be contesting the upcoming election. **Patrick Rouble**, the Minister of Education, and Minister of Energy, Mines and Resources, has indicated that he will be returning to school to pursue a Masters Degree in Education. **John Edzerza**, Minister of Environment, recently diagnosed with leukemia, is undergoing treatment, and will be focusing on his recovery. **Archie Lang**, Minister of Highways and Public Works, and Minister of Community and Social Services, a Member since the 2002 general election, is retiring. The Liberals' **Gary McRobb**, Official Opposition House Leader, a Member since

the 1996 general election, has indicated that he will not be standing for reelection.

Standings in the House

With Mr. Cathers' return to the Yukon Party caucus and Mr. Cardiff's death, the current standings in the House are as follows: Yukon Party: 11; Liberal Party: 5; NDP: 1; Vacancy: 1.

Linda Kolody
Deputy Clerk



House of Commons

As a result of a federal general election on May 2, a majority Government was formed with 166 Conservatives elected and 103 New Democrats forming the Official Opposition for the first time. Returning with only 34 Members, the Liberals became the third party in the House, the first time in their history that they have not formed either the Government or the Official Opposition. Having held 47 seats at the time of dissolution of the last Parliament, the Bloc Québécois returned with just four seats. The leader of the Green Party, **Elizabeth May**, won her riding of Saanich-Gulf Islands, thus the first time that a Green Party member was elected to the House of Commons. The latter five Members officially sit as Independents, since official party status in the House requires that at least twelve Members identify as members of a given party. Two party leaders, **Michael Ignatieff** of the Liberal Party and **Gilles Duceppe** of the Bloc Québécois,

lost their seats and subsequently resigned. **Bob Rae** (Toronto Centre) was appointed Interim Leader of the Liberal Party.

Opening: Election of a New Speaker and Speech from the Throne

The 41st Parliament opened on June 2, 2011. Its first order of business, pursuant to Standing Order 2, was to elect a new Speaker from among the eight Members who had allowed their names to stand for the Speakership. **Louis Plamondon** (Bas-Richelieu—Nicolet—Bécancour), the Member with the longest period of unbroken service in the House, presided accordingly over the election of the Speaker. **Andrew Scheer** (Regina—Qu'Appelle) was elected on the sixth ballot, securing his first mandate as Speaker of the House. Mr. Scheer, 32, is the youngest Speaker in the history of the Canadian Commons.

Governor-General **David Johnston** delivered the Speech from the Throne on June 3, 2011 in the Senate Chamber, in the presence of the assembled Members, Senators, Justices of the Supreme Court and other dignitaries and guests. The theme of the Throne Speech was "*Here for all Canadians – Stability. Prosperity. Security.*"

Legislation

Prior to adjourning for the summer, the House of Commons debated and adopted the following legislation: Bill C-2, *An Act to amend the Criminal Code (mega-trials)*; Bill C-3, *An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011*; Bill C-6, *An Act to provide for the resumption and continuation of postal services*; and Bills C-8 and C-9, *Acts for granting to Her*

Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2012 (Appropriation Acts No. 1 and 2, 2011-2012), to all of which Royal Assent was given on Sunday, June 26. The House was specially recalled on that day for the sole purpose of giving Royal Assent, and the House was subsequently adjourned until September 19 at 11:00 am.

C-6 was introduced by the Government in response to a work stoppage involving Canada Post, and was intended to legislate the resumption of postal services. The Opposition having put up many speakers in debate, the sitting lasted without adjournment from 10:00 a.m. on Thursday, June 23 until 8:10 p.m. on Saturday, June 25.

Budget and Supply

On June 6, 2011, Minister of Finance **Jim Flaherty** presented the 2011 Budget titled *The Next Phase of Canada's Economic Action Plan: A Low-Tax Plan for Jobs and Growth*, which was substantially similar to the one that he had presented on March 22 but which had not been adopted due to the dissolution of Parliament on March 26. After four

days of debate, the House adopted on June 13 the motion to approve in general the budgetary policy of the government.

To expedite the Supply process, on June 3, a motion was adopted bypassing the usual procedure of having Estimates sent to and reviewed by the various standing committees by providing that all Main and Supplementary Estimates be deemed referred to one committee only, the Standing Committee on Government Operations and Estimates, once presented to the House, the membership of that committee having been established in the same motion. The Committee was to consider and report, or be deemed to have reported, the Estimates no later than three sitting days before the final sitting or the last allotted day in the Supply period.

On June 3, given the reduced number of sitting days in that Supply period, the Speaker informed the House that there would be but three allotted days, pursuant to Standing order 81(10) (b). This was later reduced to two when the House agreed to not sit on June 10 and June 17 due

to party conventions. The Main Estimates and Supplementary Estimates A were concurred in on June 22, the final allotted day.

Committees

On June 9, a motion was adopted setting the membership of all standing committees at 12 in contrast to the last Parliament where some committees had consisted of 11 members. The Standing Committee on Procedure and House Affairs presented the committee membership report on June 13, which was concurred in on the same day, and in subsequent days the standing committees were reconstituted and proceeded to elect their respective Chairs. On June 22, the House agreed to a motion to dispense with the obligation set out in Standing Order 104(1) for the Standing Committee on Procedure and House Affairs to present a its usual report shortly after Labour Day reconstituting committees and re-electing committee Chairs and Vice-chairs.

Richard Bernier
Procedural Clerk
Table Research Branch