



Legislative Reports



Prince Edward Island

The Third Session of the 61st General Assembly of Prince Edward Island opened on November 15, 2001, with the reading of the Speech from the Throne delivered by Lieutenant Governor **J. Léonce Bernard**. This occasion marked his inaugural Speech from Throne; he was appointed on May 28, 2001.

The session adjourned on December 19, 2001, after 19 sitting days. During the fall sitting 20 Government Bills were introduced, all of which received Royal Assent. Three of the more significant pieces of legislation considered by the House were:

An Act to Amend the Maintenance Enforcement Act (Bill No. 3) which adds new definitions and amends some existing definitions, gives the Director the discretion whether to enforce maintenance orders in certain circumstances and increases both the sources of information that may be contacted and the types of information that may be obtained to aid in the searches for payors and attachable sources of money.

Companion Animal Protection Act (Bill No. 4) which provides a legislative foundation for the proper treatment of companion animals, protecting them from abuse and ne-

glect, and requiring the licensing of premises and businesses that sell, display or provide services to companion animals. The Act fills gaps in existing legislation that address animal control or protect livestock, poultry and some wildlife in captivity.

An Act to Amend the Workers Compensation Act (Bill No. 15) which provides for spousal benefits to be paid to a survivor without regard to marriage, set the amounts and maximum wage loss benefits, and matters the Workers Compensation Board must consider when determining benefits. The legislation also deals with income from employment and includes a discretion for the Board to determine a fairer calculation on what an injured worker might be expected to earn. This legislation has been under review several years, and continues to be the subject of intense public interest.

A total of 282 written questions were submitted by the Leader of the Opposition.

Committee Activity

The Standing Committee on Legislative Management adopted heightened security measures prior to the opening of the Third Session of the 61st General Assembly. These included designating an area within the grounds for long-term protests, and enforcing a strict "no parking" zone directly in front of the building. The Committee was careful to balance the issues of safety and security while protecting the civil liberties and freedoms of individuals.

The Standing Committee on Public Accounts submitted its report following its consideration of the Annual Report of the Auditor General and the Public Accounts of Prince Edward Island. It endorsed the recommendations made by the Auditor General, and expressed thanks for the dedication and efforts of the Auditor General and his staff in preparing the report.

The Standing Committee on Community Affairs and Economic Development had been charged with reviewing draft legislation concerning franchises and reporting back to the House during the fall sitting. The Committee held public hearings and heard presentations from twelve interveners. It also received three written opinions. In its report, the Committee stated that legitimate concerns were expressed during the public hearings which may well indicate a need for franchise legislation in some form. It recommended that the Office of the Attorney General proceed with preparing a draft legislative proposal using, but not limited to, the Ontario and Alberta legislation as reference documents.

After an interim report submitted during the fall sitting, the Standing Committee on Agriculture, Forestry and Environment will continue its examination into the potato wart crisis over the winter and make a final report in the spring. The Standing Committee took the unusual step of issuing subpoenas to two representatives of the Canadian Food Inspection Agency fol-

lowing their refusal to appear voluntarily before the Committee.

Privilege

On November 23, 2001, the Minister of Development and Technology, **Michael Currie**, raised a question of privilege for the Speaker to consider. At issue were remarks made by the Leader of the Opposition, **Ron MacKinley**, during Oral Question Period in which he alleged that the Minister engaged in an illegal activity, specifically listening to wiretapped conversations of private individuals. The Leader of the Opposition withdrew his use of the word "wire tap" and replaced it with "taped" but declined to apologize. Later in the sitting day, Premier **Pat Binns**, rose and requested that the Leader of the Opposition apologize for his remarks. Again, the Leader of the Opposition declined to do so.

In her ruling, Speaker **Mildred Dover** found that a *prima facie* case of privilege had been made. The statements by the Leader of the Opposition were serious and misleading. Further, such allegations have the potential of significantly damaging the reputation of any Member. The Leader of the Opposition offered a verbal apology to the Minister of Development and Technology. Government House Leader, **Elmer MacFadyen**, advised that a letter of apology to the Minister accompanied by a letter of apology to the House, and tabled in the House, would be acceptable to Government. He then moved, seconded by **Beth MacKenzie** (Park Corner-Oyster Bed) a motion to that effect. The Leader of the Opposition tabled two copies of his letter of apology on December 5, 2001. It proved to be unacceptable to the House. Following a brief recess to allow Government Members to consult, a motion to suspend the Leader

of the Opposition for the remainder of the sitting day was passed.

Other Matters

Speaker **Dover** once again presided over the 14th annual Youth Parliament on November 30 and December 1, 2001. Approximately 30 students representing high schools across the Province took part in the event, debating bills and resolutions on current, and sometimes controversial, topics. The Youth Parliament is a joint effort of the Rotary Clubs of Prince Edward Island, the school boards, and the provincial Department of Education.

The 12th Annual National Day of Remembrance and Action of the Montreal Massacre was solemnly observed on December 6. The Purple Ribbon Campaign Against Violence provided ribbons which were distributed to the Members. A bouquet of roses, one for each of the victims of the massacre, was placed in the House. The Deputy Premier and Province Treasurer, **Pat Mella** read the names of the victims, which was followed by a moment of silence in their tribute.

Marian Johnston

Clerk Assistant and Clerk of
Committees
Legislative Assembly of PEI



Yukon

The 2001 Fall Sitting of the Second Session of the 30th Legislature began on October 18, 2001 and ended on December 3, 2001. The Fall Sitting saw, among other things, 13 bills receive assent, substantial

changes to the Standing Orders, and a report of a conflict of interest investigation. In January 2002 Liberal Premier **Pat Duncan** shuffled her cabinet.

Changes to the Standing Orders

The Assembly adopted two sets of amendments to the Standing Orders during the 2001 Fall Sitting. The first set took effect October 25, 2001 after the Assembly adopted the recommendations of a report of the Standing Committee on Rules, Elections and Privileges. The adoption of these recommendations amended the Standing Orders by:

- Broadening the definition of Ministerial Statements and limiting the number of statements to one per sitting day;
- Deleting the standing order respecting anticipation;
- Explicitly mentioning "threatening" and "sexist" language as unparliamentary;
- Reducing the length of speeches in Committee of the Whole from 30 minutes to 20 minutes;
- Making it explicit that a motion for First Reading of a bill shall be decided without introductory statement, debate or amendment;
- Clarifying that petitions be responded to in eight sitting days, rather than "two weeks"; and
- Limiting the Ministerial response to a petition to five minutes.

The three party leaders negotiated the second set of revisions. The amendments, presented on motion of the Premier, carried on November 19, 2001 and will take effect during the 2002 Spring Sitting, due to commence on April 4.

The purpose of the changes is to establish a regular calendar of business for the Assembly. This includes designating a maximum number of days the legislature will sit in a calendar year and the number of Sittings per year. The amendments are contained in a separate chapter of

the Standing Orders and contain a number of features.

The first feature is a mechanism for calling the Assembly into session when it stands adjourned for an indefinite period of time. This requires that when the Premier wishes to see the Assembly recalled the Speaker must be advised "in sufficient time to allow the Speaker opportunity to give a minimum of two weeks' notice of the date on which the House shall meet."

A second feature is that once the Assembly is in session "the government shall introduce all legislation, including appropriation bills, to be dealt with during that Sitting by the fifth sitting day."

A third feature is that the Assembly will sit for a maximum of 60 days each calendar year, the days to be divided between a Spring Sitting and a Fall Sitting. Once the government has presented its list of bills to be dealt with during a given Sitting the House Leaders will negotiate the number of sitting days required to deal with that business. In doing so they must allocate between 20 and 40 sitting days. If an agreement cannot be reached each Sitting shall be 30 sitting days.

To make the time limit work a procedure had to be developed by which a Sitting could be brought to an orderly ending and the business before the Assembly dealt with. This procedure is the fourth feature of the new *Standing Orders*. It will be invoked, if necessary, at one hour before the normal adjournment time on the final designated sitting day of a Sitting.

If the Assembly is in Committee of the Whole at that time the Chair will interrupt proceedings and put all questions necessary to dispose of any bills then before the Committee. The Speaker will then be recalled and the Chair of Committee of the Whole will report on the activities of the committee.

The Speaker will put the question on all bills on which debate has been adjourned at the Second Reading stage, and then put the question on motions for Third Reading and passage of those bills. No further debate or amendment is allowed at either of these stages. The Assembly shall then proceed with any routine business associated with the end of a Sitting. The normal time of adjournment will not apply once this process has begun.

To deal with unforeseen circumstances the new Standing Orders contain mechanisms for calling the Assembly into session on less than two weeks notice, extending the length of a Sitting, and calling additional Sittings. The Standing Orders also allow for adjustments to the calendar during an election year.

These changes to the Standing Orders are innovative in that they represent a form of time allocation applied to the duration of a Sitting, rather than to the stages of a bill.

The opening dates of the legislative Sittings for 2002 have been made known. On December 10, 2001 Premier Duncan announced the aforementioned date of April 4 as the commencement of the 2002 Spring Sitting and October 17 as the start date of the 2002 Fall Sitting.

Legislation

The following 13 bills received assent during the 2001 Fall Sitting:

- *An Act to Amend the Medical Profession Act;*
- *Canadian Council for Donation and Transplantation Indemnification Act;*
- *Interjurisdictional Support Orders Act;*
- *Physiotherapists Act;*
- *An Act to Amend the Funeral Directors Act;*
- *Parks and Land Certainty Act;*
- *Wildlife Act;*
- *Education Staff Relations Act;*

- *Fourth Appropriation Act, 2000-01;*
- *An Act to Amend the Income Tax Act (No. 4);*
- *Second Appropriation Act, 2001-02;*
- *An Act to Amend the Jury Act; and*
- *First Appropriation Act, 2002-03.*

Report of the Conflicts Commissioner

On May 8, 2001 Yukon Party leader **Peter Jenkins** (Klondike) laid a conflict of interest complaint against Premier Duncan (Porter Creek South). The complaint, made under section 17(1)(d) of the Yukon's *Conflict of Interest (Members and Ministers) Act* was two-fold. Both aspects of the charge related to actions Duncan was alleged to have taken as Minister of Economic Development, a portfolio she held (from May 6, 2000 to June 12, 2001) in addition to being Premier. The first aspect of the charge was that Duncan had directed Economic Development staff to 'single out' for collection overdue loans owed to the Yukon Government by Jenkins' business interests. The second aspect of the charge was that Duncan had directed her departmental staff to conceal monies owed to the Yukon Government by her brother's business interests.

The investigation was the first instigated by a complaint lodged by one member against another since the *Conflict of Interest (Members and Ministers) Act* was proclaimed in 1995. Yukon Conflicts Commissioner **E.N. (Ted) Hughes**, conducted preliminary interviews in August and September and formal interviews – on the record with witnesses under oath – in September and October. He then announced that his decision would be delivered to the Legislative Assembly by the end of November. This meant his report would become public while the Assembly was sitting.

Mr. Hughes delivered his report to the Speaker of the Legislative Assembly, **Dennis Schneider**, on November 29, 2001. The Speaker tabled the report in the Assembly on the same day. Mr. Hughes cleared Premier Duncan on both counts. On December 3, 2001 Jenkins rose in the Assembly on a "point of personal privilege" to apologize to the Premier.

Cabinet Shuffle

With the 2001 Fall Sitting behind her Premier Duncan announced a cabinet shuffle on January 11, 2002. Two ministers – **Don Roberts** (Porter Creek North) and **Wayne Jim** (McIntyre-Takhini) – were dropped from cabinet and two government private Members – **Cynthia Tucker** (Mount Lorne) and **Jim McLachlan** (Faro) – were appointed. The Executive Council, therefore, remains at seven ministers (including the Premier) the largest in Yukon's history (since the appointment of **Scott Kent** (Riverside) as Minister of Economic Development on June 12, 2001). Four ministers – Mr. Kent, **Dale Eftoda** (Riverdale North), **Pam Buckway** (Lake Laberge), and **Sue Edelman** (Riverdale South) – had their responsibilities changed. The Premier's ministerial responsibilities (Finance, and Executive Council Office) remained the same. With the appointment of Ms. Tucker as Minister of Education the Yukon cabinet now includes four women and three men. This is the first time in Canadian history that a federal, provincial or territorial cabinet has included more women than men.

Floyd McCormick
Deputy Clerk
Yukon Legislative Assembly



Manitoba

The Third Session of the Thirty-Seventh Legislature commenced on November 13, 2001 with the presentation of the Throne Speech by Lieutenant Governor **Peter Liba**. Highlights of the Throne Speech included security, economic outlook, education, health care, environmental stewardship and rural and northern development. The Leader of the Official Opposition, **Stuart Murray**, moved an amendment to the Throne Speech which was defeated, on division. The main motion to the Throne Speech was agreed to, on division, on November 26, 2001.

On December 5, 2001, Speaker **George Hickes** informed the House that the Legislative Assembly of Manitoba had added closed captioning to the televised broadcast of Question Period. The closed captioning text was also added to the broadcasting of Question Period available on the internet.

There were several significant pieces of legislation introduced in the House during the fall sitting.

- Bill (No. 2) – *The Security Management (Various Acts Amended) Act*,
- Bill (No. 3) – *The Highway Traffic Amendment and Summary Convictions Amendment Act*;
- Bill (No. 4) – *The Order of Manitoba Act*; and
- Bill (No. 6) – *The Fortified Buildings Act*.

Of these Acts, Bill (No. 4), which increased the number of persons eli-

gible to receive the Order of Manitoba from 8 to 12, received Royal Assent. In addition to Bill (No. 4), a private bill, Bill (No. 300) – *An Act to Amend an Act to Incorporate Portage District General Hospital Foundation* was also given Royal Assent. The House adjourned on December 6, 2001, to the call of the Speaker.

Standing Committee Activity

There were three Standing Committee meetings since the last issue of the Review. The Standing Committee on Municipal Affairs met on November 15 to consider the *Annual Report for The Forks North Portage Partnership* for the year ended March 31, 2001. The Committee completed consideration of this Report. On December 3, 2001, the Standing Committee on Economic Development met to consider the Annual Reports of the Manitoba Lotteries Corporation for the years ended March 31, 2000 and March 31, 2001. Neither of these reports passed. On December 5, 2001, the Standing Committee on Law Amendments met to consider Bill (No. 4) – *The Order of Manitoba Act* and Bill (No. 300) – *An Act to Amend an Act to Incorporate Portage District General Hospital Foundation*. These bills were both passed by the committee.

Resignation

On December 11, 2001, **Darren Praznik**, the Member for Lac du Bonnet, announced his intention to resign as a Member of the Legislative Assembly of Manitoba. Mr. Praznik was first elected to the Manitoba Legislature in a general election held in 1988. He was re-elected in general elections held in 1990, 1995 and 1999. He held several ministerial portfolios under the Filmon regime including Minister of Labour, Minister of Northern and Native Affairs, Minister of Energy and

Mines, Minister of Health and Minister of Highways.

Speaker's Outreach Program

On January 9, 2002, Manitoba's Speaker's Outreach Program was launched. Speaker Hickes plans to visit as many schools as possible during the inter-sessional periods. The Speaker intends to speak to students of all ages, informing students about the role of the Speaker and parliamentary democracy. The format of this program includes verbal presentations by the MLA whose constituency the school is located, the Speaker and one of Manitoba's five Clerks.

Building Repairs

The famous "Golden Boy" is going to be removed from the top of the Legislative Building to undergo repairs. During the recent renovations to the Legislative Building tower, it was noted that the central support for the Golden Boy had been significantly reduced due to corrosion. It is expected that the Golden Boy will be back on the top of the building by September 2002.

JoAnn McKerlie-Korol
Clerk Assistant



House of Commons

The year 2001 was a busy time at the House of Commons with 49 bills having been passed – 21 since the beginning of September. The House passed a resolution on October 30, 2001 to change the name of the province of Newfoundland to

the province of Newfoundland and Labrador. The change is a bilateral Constitutional change effected by the actions of both the federal Parliament and the provincial legislature, which passed a similar resolution in 1999.

Paul Martin, Finance Minister, presented the first budget of the 37th Parliament on December 10, 2001. Debate on the budget took place prior to the Christmas adjournment on December 14, 2001, and was taken up again the first week the House returned in January.

Procedure

A number of procedural "firsts" took place at the House of Commons pursuant to recent changes to the Standing Orders based on recommendations of the Modernization Committee. On November 27, 2001, **Don Boudria**, the Government House Leader, moved a time allocation motion at the report and third reading stages of Bill C-36 (the *Anti-Terrorism Act*). The motion was agreed to after the new 30-minute question period in which the Minister of Justice answered questions justifying the motion. On November 5, the House proceeded to the deferred recorded divisions on Bill C-10, the *Canada National Marine Conservation Areas Act*. As the recorded divisions took place immediately following Question Period, the sitting was extended by a period of time equal to that used for the divisions in accordance with the changes to the *Standing Orders*. On November 1st, an emergency debate was held on softwood lumber at the request of Bloc Member **Paul Crête**. The debate was scheduled for 6:30 p.m. instead of the customary 8:00 p.m., again in accordance with the changes. After negotiations among the parties, the emergency debate was deferred until the following Tuesday. On Monday, January 28,

2002, the Speaker informed the House, pursuant to S.O. 39(5), that due to the government's failure to respond, 13 Questions on the Order Paper were deemed referred to various standing committees of the House. This was the first time since amendments were made to the Standing Orders that this new procedure was invoked in the House.

Privilege

On November 1, 2001, **John Bryden** raised a question of privilege referring to attempts by a group of Members of Parliament to set up a special *ad hoc* committee to examine the *Access to Information Act* during the summer adjournment. The Member stated that the group that consisted of backbench Members, had asked government officials to appear before the committee, and although they had agreed to do so, were ordered not to appear by the Government. Mr. Bryden argued that the work of the group was compromised and that this contravened his privileges as a Member of Parliament. The Speaker ruled that this was not a question of privilege since Members do not in his opinion have the right to call a government official before an *ad hoc* committee. He further stated that if the Member had wished to have an empowered committee in place, he would have had to introduce a motion under Private Members' Business to establish one, and once established, the committee would have been able to send for persons, papers and records under Standing Order 108(1). He concluded by stating that the *ad hoc* group had no such powers and it was thus perfectly legitimate for some officials to decline to appear. Following the Speaker's comments, **Grant McNally** rose and stated that he was a member of this *ad hoc* committee and that he wished to seek unanimous consent to table the re-

port of the group. Consent was denied.

On November 28, 2001, **Joe Jordan** raised a question of privilege concerning the speech made by the Leader of the Official Opposition on Wednesday, November 28, 2001. The Member argued that during his speech, the Opposition Leader had made repeated references to the findings, proceedings and evidence of the Standing Committee on Procedure and House Affairs concerning the Committee's study on the breach of privilege raised by **John Reynolds**. At the time, the report on this question of privilege had not yet been presented, but would be presented the following day on November 29. The Member argued that the Leader of the Opposition had contravened the confidentiality that surrounds a report before it is presented to the House, and by pre-empting the findings by referring to the conclusion of the Committee, he had shown contempt for the rights and privileges of all Members. After the interventions of other Members, the Speaker took the matter under advisement. The Speaker reported back to the House on December 4, 2001, and indicated that although it is not usual House practice to refer to proceedings in committee prior to the committee reporting, that there was no disclosure of in camera proceedings. Thus, there was no breach of privilege in this case. However, the Speaker invited the Opposition Leader to be more prudent in the future.

Committees

The Standing Committee on Procedure and House Affairs tabled its 41st Report on December 3, 2001 concerning the guidelines for access to committee meetings by the media for recording purposes. The Committee was required to evaluate the

guidelines prior to November 30, 2001. Having done so, the Committee concluded that more time is necessary to decide whether the existing guidelines should be made permanent, and it was proposed that further consultation with stakeholders take place until June 30, 2002. The Committee also issued its 43rd Report on the subject of Private Members' Business in response to its Order of Reference of June 12, 2001. The Committee studied the matter of improving procedures for Private Members' Business (specifically a proposal to make all matters debated votable), and concluded that a workable proposal for changes to the Standing Orders for the consideration of Private Members' Business could not be achieved at this time.

There are several new sub-committees at the House of Commons including a National Security Sub-Committee reporting to the Justice Committee, and a Government Operations Sub-Committee reporting to the Transport and Government Operations Committee. In addition, there is a new House Sub-Committee on Combating Corruption that reports to the Standing Committee on Public Accounts. The aim of the new group is to promote good governance and reduce corruption around the world. The members of the Sub-Committee will be preparing over the next year for the first conference of the Global Organization of Parliamentarians Against Corruption (GOPAC), an organization created in November 2000 at the Second Assembly of the World Movement for Democracy. **John Williams**, the Canadian Alliance Member for St. Albert, is very involved with GOPAC and was instrumental in the creation of the new Sub-Committee. The House of Commons will play host to GOPAC's first conference in September 2002 which will bring Parli-

mentarians from around the world to Ottawa to share their experiences combating corruption. The Sub-Committee will not review individual cases of corruption, but rather investigate the subject of corruption and help parliaments around the world to develop a better understanding of the issue.

Legislation

Bill C-36, the *Anti-Terrorism Act*, was one of the more controversial bills of the fall season due to calls for a sunset clause. The Bill was studied by both a Commons committee and a Senate Special Committee, and received Royal Assent before the holiday break. Further controversy developed when information about the bill was alleged to be leaked in a *National Post* article several days before it was introduced in the House. Following a question of privilege that the Speaker deemed to be *prima facie*, Justice Minister **Anne McLellan** and Government House Leader **Don Boudria** both appeared before the Standing Committee on Procedure and House Affairs. Alliance House Leader **John Reynolds** also appeared before the Committee to comment on the fact that this was the second bill from the Justice Department to have this type of problem. Hundreds of people who saw advance copies of the Bill were interviewed in a review process to find the source of the leak. The report concluded that most of the information in the *National Post* article had been in the public domain, and that the reporter had probably pieced together the content of the article from various conversations along with some extrapolation on his part, and that a contempt of the House had not taken place nor had the privileges of the House or its Members been breached.

Upon its return from committee the remaining stages were time allocated and the deadline for submitting report stage motions was extended to Saturday, November 24, 2001. Objections were raised as to the lack of availability of committee evidence concerning the Bill and pleas were made to the Government and the Speaker to delay consideration of the Bill. The Speaker stated for his part that it was not in his power to defer the business the Government had chosen to call. The Bill was passed by the House on November 28, and the Senate on December 18, 2001.

In other legislative news, the Standing Committee on Environment and Sustainable Development presented its report to the House on December 3, 2001, concerning Bill C-5, the *Species at Risk Act*. After dealing with hundreds of amendments, the Committee recommended many changes to the Bill.

Finally, Bill S-10, the *Parliamentary Poet Laureate Act*, was passed by the House on December 11, 2001. The Private Members' Bill from the Senate, sponsored in the House by **Yolande Thibeault**, creates the first ever post of Poet Laureate for Canada. The honorarium accompanying the post will come from the budget of the Library of Parliament. The decision as to who will become our first national poet will be made by the Speakers of the Senate and the House of Commons later this year. They will receive the names of three suggested poets from an advisory committee.

Other Matters

Several unique tributes took place during the fall season at the House of Commons. On Monday, November 19, 2001 several Members paid tribute to **Nelson Mandela** during Statements by Members, who earlier that day, had been awarded

honorary citizenship during a ceremony held at the Canadian Museum of Civilization. **Herb Gray**, Deputy Prime Minister, was honoured with a tribute from **Susan Whelan**, Member for Essex. She paid tribute to Mr. Gray's unbroken record of service to the House of Commons.

A number of changes took place in the House of Commons in December 2001 and January 2002. On the opposition side, **Stockwell Day** stepped down as leader on December 12, 2001. He will run for leadership of the Canadian Alliance along with several other candidates, and **John Reynolds** becomes interim leader of the Alliance until the leadership vote takes place. Also, **Preston Manning** has left his political career behind for a new career in academia. On Thursday, January 31, 2002, he officially resigned his seat as the Member of Parliament for Calgary-Southwest. He delivered a final speech after being honoured with a series of tributes from colleagues in all parties. Finally, **Joe Peschisolido** has left the Canadian Alliance caucus to sit with the Liberal caucus.

Bonnie Charron

Procedural Clerk

Journals Branch

House Proceedings Directorate



Ontario

The Ontario Legislative Assembly recessed on Thursday, December 13, 2001 and is scheduled to

return on March 18, 2002 after its winter break.

Committee Activity

In a busy fall session several committees were authorized to meet on days and evenings outside their normally scheduled meeting times in order to deal with legislation referred to them. Travel to locations throughout Ontario to conduct public hearings during the session was also authorized. Usually, committees will travel when the House is in recess rather than when it is sitting.

The Standing Committee on Finance and Economic Affairs chaired by **Marcel Beaubien**, (Lambton- Kent-Middlesex) was authorized to travel to Ottawa, Windsor, Thunder Bay and Sudbury for public hearings on Bill 125, *Ontarians with Disabilities Act*. The Committee reported the bill, it passed Third Reading and has received Royal Assent. The Committee will be traveling to Sault Ste. Marie, Windsor, Barrie, Waterloo and Cobourg for Pre-budget Consultations during the recess.

The Standing Committee on Justice and Social Policy chaired by **Toby Barrett**, (Haldimand-Norfolk-Brant) dealt with a number of bills. One interesting situation arose with a Private Member's Public Bill 51 regarding the availability of portable heart defibrillators in public places. The committee reported to the House that the bill be not reported. The House on a recorded vote defeated the motion to accept the Committee report and the bill therefore stayed in committee.

The Standing Committee on General Government chaired by **Steve Gilchrist**, (Scarborough East) dealt with a large number of bills including a new *Municipal Act*. This legislation was the first major overhaul

of legislation affecting municipalities in the province in 150 years.

The Select Committee on Alternative Fuel Sources chaired by **Doug Galt**, (Northumberland) was appointed to investigate, report, and recommend ways of supporting the development and application of environmentally friendly, sustainable alternatives to our existing fossil fuel sources. The Committee has held a number of public hearings and produced an Interim Report summarizing the input from the first round of public hearings. The Committee will organize additional public hearings, press conferences, public forums and other means to hear from Ontarians on the issues identified in the first round and will travel to Calgary, Vancouver and Sacramento, California to investigate alternative energy policy in other jurisdictions. The Committee has also authorized individual members to attend conferences and to undertake independent study visits to various locations to investigate and prepare reports for the Committee's benefit. Study visits have been made to Ottawa, Belgium, France, London, Italy, Germany, Australia and Rio de Janeiro, with the individuals submitting reports on their findings to the Committee. The Committee must make its final report to the House by May 2002.

The Standing Committee on the Legislative Assembly chaired by **Margaret Marland**, (Mississauga South) has been authorized to inquire into and report on parliamentary reforms that will improve democracy and enhance accountability. The review is to take place in two phases: reforms that would expand the use of technology in the House and its committees; and reforms that would enhance the role of private members. The mandate includes the authorization to adjourn from place to place in North

America and abroad. The committee is in the process of determining its agenda and must report to the House within 12 months.

The Standing Committee on Regulations and Private Bills, chaired by **Rosario Marchese**, (Trinity-Spadina) in a rare occurrence for consideration of a private bill, traveled to Sioux Lookout in northwestern Ontario. The Committee met for a day of public hearings and clause-by-clause consideration of a Private Bill relating to the amalgamation of hospital services in the town of Sioux Lookout. In 1992, the Nishnawbe-Aski Nation, on behalf of the Sioux Lookout district chiefs, invited the governments of Canada and Ontario and the town of Sioux Lookout to explore the idea of combining hospital services in the town. After extensive and lengthy negotiations, the Sioux Lookout four-party hospital services agreement was established respecting the cultural and linguistic diversity of the people of the town and surrounding areas. The agreement gave the First Nations the majority of seats on the hospital board recognizing the majority proportion of their population in the region. After presentations from a number of witnesses, the Committee agreed to report the bill, with amendments, to the House. The bill passed Third Reading and has received Royal Assent.

The Standing Committee on Regulations and Private Bills also considered a controversial private bill giving the City of Toronto the power to block demolition of the existing supply of affordable housing. The government had repealed a former law allowing municipalities to regulate the demolition of rental housing. The Committee passed the City of Toronto Bill but the government did not call the reported bill for second reading when a block of other private bills was called. It is

unusual for a private bill not to proceed to Royal Assent once it has been passed by the committee. As this bill remains on the Orders and Notices Paper, it could be considered further when the House resumes in the spring.

Anne Stokes

Committee Clerk

Standing Committee on General
Government



When proceedings adjourned in December 2001, the Members of the Quebec National Assembly had passed forty-two public bills, six private bills, and one private member's public bill since the resumption of proceedings last October.

On the eve of the Assembly's adjournment, the Government House Leader moved a motion to introduce an exceptional legislative procedure (see section on Modifications to the Standing Orders) in order to adopt a bill amending various legislative provisions concerning municipal affairs.

Cabinet Shuffle

On 30 January 2002, Premier **Bernard Landry** made some important changes to his Cabinet, which is now composed of 31 Ministers and 4 Secretaries of State. On the eve of this major Cabinet shuffle, three Ministers announced their resignation. Messrs. **Jacques Brassard**, **Guy Chevrette** and **David Cliche** each left their ministerial functions as well as their seat as Member. Furthermore, on February 12, **Gilles Baril** announced his resignation as Minister; he will however continue

to represent his riding of Berthier until the next general election. There are therefore three more vacant seats in the Assembly, namely in the ridings of Lac-Saint-Jean, Joliet and Vimont.

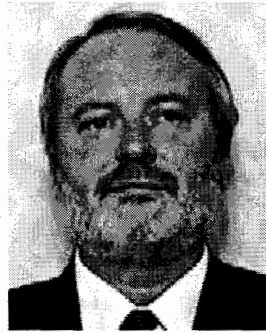
Furthermore, the office of Speaker of the National Assembly became vacant following the appointment of **Jean-Pierre Charbonneau** to the Cabinet. Upon the resumption of proceedings on March 12, 2002, the Assembly will elect its new Speaker.

Following these resignations, the composition of the Assembly is as follows: Parti québécois, 69 Members; Québec Liberal Party, 49 Members; Action démocratique du Québec, 1 Member; for a total of 119 Members and six vacant seats.

General Secretariat of the National Assembly

François Côté was named Secretary General of the Assembly on December 19, 2001 following the unanimous adoption of a motion moved in the House by the Premier. Mr. Côté thus became the ninth Secretary General since 1867.

Mr. Côté, who obtained a diploma in political science from Laval University, began his career at the Assembly in 1983. Until his recent appointment, he was, since January 2001, Associate Secretary General for Parliamentary and Institutional Affairs. Prior to this, he had served in other capacities within the National Assembly, namely as Associate Secretary for Administrative Affairs, from 1991 to 1998, as Coordinator of the Secretariat of Committees, from 1985 to 1990, and as Committee Clerk. Furthermore, Mr. Côté was Assistant Secretary of the Commission on the Political and Constitutional Future of Québec (the Bélanger-Campeau Commission), in 1990 and 1991, and Assistant Secretary at the Summit



François Côté

on Québec and Youth from 1998 to 2000.

He replaces **Pierre Duchesne**, who was Secretary General since 1985. However, Mr. Duchesne will remain at the Assembly in an advisory capacity during the next year.

Mr. Duchesne began his career at the Assembly 27 years ago, in June 1974, as Associate Secretary of the National Assembly. He became Director General of Legislative Services in January 1979, and was named Associate Secretary General in June 1983 before becoming Secretary General on December 19, 1985.

In the course of his career at the Assembly and more particularly during his 15 years as Secretary General, Mr. Duchesne helped the National Assembly adapt to the existing needs of Members and to equip itself with modern work tools. By playing a key role in the significant parliamentary reform adopted in 1984 and, subsequently, by proposing amendments to reform the *Standing Orders*, he contributed to raising the level of appreciation of the work done by Members and to improving the conditions in which it is performed. Regarding the administration, ever mindful of supporting the work of Members, he introduced several major changes which transformed administration in order to meet the specific needs of a modern Parliament.

Modifications to the *Standing Orders*

Last December 6, the Assembly adopted two important amendments to its *Standing Orders*. One establishes an exceptional procedure in order to accelerate as required the passage of a motion or a bill. This new procedure replaces the motion to suspend certain rules of procedure that was used until now. The other modification concerns the presentation of petitions. The new measures that were adopted in this respect extend the criteria for the receivability of petitions and oblige the government to provide an oral or written answer.

These modifications will be in effect until June 23, 2002, notwithstanding a prorogation of the session.

Technical Innovations

A multisectorial group developed a most useful computer-based tool for Members as well as for the political and administrative personnel both at the Parliament and in the electoral divisions: the intranet Portal. This in-house network contains a variety of information, such as official press releases, parliamentary activities, the organization and procedures of the Assembly as well as important administrative decisions. In addition to this information, the Portal includes administrative policies, orientations and directives, as well as instruction manuals, document models, forms, reference tools such as an interactive organization chart and the staff directory. In the short term, an institutional agenda, improved administrative practice guides, documents relating to the institution's work and major projects as well as workflow (automation of work procedures) will be added to this site.

Library of the National Assembly

The Library of the National Assembly is celebrating its two-hundredth anniversary this year. The activities marking this event will begin on March 14 with the official opening ceremony and inauguration of the exhibition of the history of the Library. Some conferences, a convention and a seminar will be held in the course of the year 2002.

Parliamentary Simulations

Again this year, the Youth Parliament and the Student Parliament were held during the Christmas holidays. Following these events, some 120 students hailing from private and public colleges took part, from 7 to 11 January 2002, in the 10th Legislature of the Student Forum, which was held in the Parliament Building. The National Assembly organizes this activity in partnership with the Education Department and the Commission de la capitale nationale du Québec, as well as with the Jean-Charles-Bonenfant Foundation and the Association des politicologues du réseau collégial du Québec, with a view to introducing college-level young people to the everyday life and work of Members. This year the proceedings were televised live on the National Assembly channel.

Sylvia Ford

Secretariat of the Assembly

Committees

The Committee on the National Assembly met on two occasions in October 2001 to continue the consideration of various proposals contained in the parliamentary reform project tabled in April 1998 by the Speaker of the Assembly. Following these meetings, the Assembly adopted, on December 6, 2001, the temporary amendments to its

Standing Orders and Rules for the Conduct of Proceedings.

Pursuant to section 25 of the *Election Act*, the Committee on the National Assembly examined, on October 3, 2001, the draft report from the Electoral Representation Commission which proposed new boundaries for the electoral divisions of Quebec, as well as a draft amendment to the report on the Montreal region. Regarding this matter, the Commission heard the Chief Electoral Officer of Quebec and the Chairman of the Electoral Representation Commission.

The final report from the Commission specifying the new boundaries of the 125 electoral divisions of Quebec was tabled in the Assembly on December 5, 2001. The statutory debate on this report, which began on the same day, ended the following day. It should be noted that this type of debate does not require any question to be put.

Still in December, the Committee on Culture tabled a report containing seven recommendations adopted unanimously by the Members. This report stemmed from the sittings during which were heard the chief officers of the Place des Arts de Montréal and the Grand Théâtre de Québec and some fifteen individuals and organizations concerned by the future of both these cultural institutions. Owing to the labour dispute at the Place des Arts, which has since been referred to the Supreme Court, a large part of the public hearings dealt with the causes and consequences of this dispute. The members also studied the major issues of cultural democratization and development, support for the future, and the role of these key players in the promotion of Quebec culture.

The Committee on Institutions undertook this year a major study to assess Quebec's current voting procedure, to establish various meth-

ods for representation reform and to measure its impact on institutions. For this purpose, the Committee members plan to tour the regions of Quebec within the framework of a general consultation that should begin at the end of the summer 2002.

On December 7, 2001, the Assembly gave this same Committee an order to hold a general consultations and public hearings on the draft bill entitled *An Act instituting same-sex civil unions and amending the Civil Code and other legislative provisions*. Forty-seven of the fifty-two individuals and organizations that submitted a brief to the Secretariat of Committees will be heard in the course of the five days of public hearings scheduled between February 5 and 21, 2002. Individuals and organizations hailing both from the gay and lesbian community as well as from the political, scientific and religious sectors will come before the Committee to discuss their issues of concern with the Members.

The explanatory notes state that this draft bill creates an institution, the civil union, for same-sex couples who wish to make a public undertaking to live together as a couple and to uphold the rights and obligations stemming from their commitment to each other. Moreover, the draft bill extends not only to partners in a civil union but also to same-sex or traditional *de facto* spouses the applicability of certain provisions that relate to situations encountered by persons who are living together. It also contains provisions pertaining to such matters as consenting on behalf of another person to the care required by the person's state of health, conflict of interest situations or causes of disqualification and non-compellability rules.

For its part, as a follow-up to its order of initiative, the Committee on Planning and the Public Domain

tabled in the National Assembly, on November 8, 2001, its final report on the issue of violence in minor hockey* which produced some ten recommendations addressed to local and regional associations, to Hockey Quebec, to the Provincial Referees Committee and to the Government of Quebec. In its report, the Committee specifically proposed the development of a programme to raise awareness with regard to violence in sports, which would constitute the first step towards eliminating the problem. The Committee members intend to ensure, in the near future, that the concerned organizations follow up on these recommendations.

Within the framework of orders given by the Assembly, the Committee held two special consultations on the housing issue. The first series was held in November 2001, following the introduction of Bill 26, *An Act to amend the Act respecting the Régie du logement and the Civil Code*. The second, which was held in December 2001, referred to Bill 49, *An Act to amend the Act respecting the Société d'habitation du Québec*. During these hearings, the Committee heard a total of nineteen individuals representing various organizations.

The Committee on Public Finance heard, on October 31, 2001, the Inspector General of Financial Institutions within the framework of the examination of his agency's orientations, activities and management. It also heard in the same capacity the Quebec Securities Commission with the more specific objective of following up on the recommendations that it had issued to the latter in February 2000.

In January 2002, the Committee began the clause-by-clause consideration of Bill 14, *An Act to amend the Act respecting the Ministère du Revenu and other legislative provisions as regards the protection of confidential information*. The Committee, which

had held special consultations on this bill in August 2001 at the request of the Assembly, chose to again hold consultations, particularly to have the opinion of certain organizations and individuals on the amendments proposed by the Minister of Revenue, **Guy Julien**, and this, before beginning the clause-by-clause consideration of the bill.

It should also be mentioned that, following the Budget Speech delivered by the Minister of Finance last November 1, the Committee, for the second time in the same year, held sittings in order to continue the debate on the Budget Speech on November 14, 15 and 20, 2001.

In compliance with the provisions of the *Standing Orders* of the National Assembly, the Committee on Public Administration, during the month of November 2001, examined the financial commitments of the Ministry of Relations with the Citizens and Immigration and of the Ministry of Employment and Social Solidarity.

The Committee also heard public administrators concerning their management. Within the framework of this mandate, the Committee continued its proceedings on accountability which had begun in early fall and heard, during the month of November, the Deputy Minister of Transport on his management of the information technologies at his ministry, particularly regarding the costs and security of information. The Committee also heard the Deputy Minister of Health and Social Services concerning medical imaging services. Following these hearings, the Committee on Public Administration tabled in the Assembly, in December 2001, its eighth report on the accountability of deputy ministers and chief executive officers of public bodies*, in which nineteen rec-

ommendations were made by the Members.

During the fall, the standing committees concluded the clause-by-clause consideration of 21 public bills and six private bills. Among these is the *Act respecting the Health and Social Services Ombudsman and amending various legislative provisions*. The Ombudsman, who replaces the Complaints Commissioner but with extended authority, must see to it that users are respected and that their rights as defined by law are enforced.

Furthermore, several changes took place regarding committee chairmanship. The chairman of the Committee on Public Finance, Mrs. Dionne-Marsolais, Member for Rosemont, was named Minister for Natural Resources on November 13, 2001. Her successor as chairman, **Normand Jutras**, (Drummond), also was named to the Cabinet, having been named Minister of Public Security in the Cabinet shuffle of January 30, 2002. This shuffle also led to vacancies in the offices of chairman of two other committees, namely the Committee on Institutions and Committee on Culture, whose chairmen, **Roger Bertrand** and **Jean-François Simard**, were named respectively Minister for Health, Social Services, Youth Protection and Prevention, and Minister for the Environment and Water. These vacancies will be filled upon the resumption of proceedings in March.

*The reports (available in French only) mentioned in this article may be consulted on the Internet site of the Assembly at the following address: www.assnat.qc.ca

Denise Léonard
Committees Secretariat
Translated by **Sylvia Ford**



Alberta

The Fall Sitting of the First Session of the Twenty-Fifth Legislature adjourned on November 29, 2001, after 11 sitting days. At the conclusion of the sitting, 13 Government Bills and 3 Private Members' Bills received Royal Assent, leaving no Government Bills on the Order Paper.

During the Fall Sitting, the Assembly approved supplementary estimates totaling \$436,910,000 which included transfers and non-budgetary disbursements.

Bill 16, *School Amendment Act, 2001*, Bill 18, *Health Professions Amendment Act, 2001* and Bill 21, *Electronic Transactions Act*, were carried over from the spring sitting and passed during the Fall Sitting.

Some of the Bills introduced and passed during the fall sitting include:

- Bill 25, *Victims Restitution and Compensation Payment Act, 2001*, institutes a process that allows victims to recover their property or obtain court-ordered restitution for losses suffered as a result of illegal activities;
- Bill 26, *Trustee Amendment Act, 2001*, amends the *Trustee Act* to replace the statutory list of allowable investments with the prudent investor standard;
- Bill 27, *Provincial Court Amendment Act, 2001*, provides a mechanism to allow Provincial Court judges who have reached the retirement age of 70, subject to certain criteria, to be eligible to be reappointed for one-year terms

up to the age of 75 in addition to making minor amendments relating to civil proceedings in Alberta's Provincial Court.

- Bill 28, *Agricultural Operation Practices Amendment Act, 2001*. This Bill establishes science-based technical standards and procedures to approve, monitor, enforce, and site all new and expanding confined feeding operations previously referred to as intensive livestock operations.

Private Members' Public Bills

Three Private Members' Bills received Royal Assent during the Fall Sitting:

- Bill 207 – *Alberta Personal Income Tax (Tools Credit) Amendment Act, 2001* sponsored by **Rob Loughheed**, (Clover Bar Fort Saskatchewan) enables apprentices and tradespeople to deduct the cost of their tools used in employment where the cost of the tools exceeds \$500 to a maximum amount of \$5000 and comes into force on Proclamation.
- Bill 208 – *Official Song Act* sponsored by **Wayne Cao**, (Calgary Fort) creates an all-party committee with a mandate to select an official song for Alberta.
- Bill 209 – *Highway Traffic (Bicycle Safety Helmet) Amendment Act, 2001* sponsored by **Yvonne Fritz**, (Calgary Cross) requires persons under the age of 18 years to wear safety helmets when riding a bicycle and comes into force on Proclamation.

The three sponsors sought early consideration of their respective Bills in letters to the Speaker which were tabled in the Assembly. Under Alberta's procedure, when Private Members' Public Bills are passed at second reading and Committee of the Whole, they are considered at the next stage within a certain number of days. While the wishes of the three Members were accommodated, Speaker **Ken Kowalski** noted on November 27, 2001 that

the requests for early consideration of Bills 208 and 209 at Third Reading came before those Bills had actually reached that stage and, if "taken to the extreme, this practice could jeopardize the legitimacy of the draw by considering one Member's Bill early by virtue of one request thereby prejudicing other Members".

Standing Orders

On November 26, 2001, the Assembly approved a Government motion significantly amending Alberta's *Standing Orders*. The changes take effect on the first day of the next session which is February 26, 2002.

Some highlights of the amendments are:

- The speaking time for Government Bills and Orders in the Assembly is reduced from 20 to 15 minutes except for the mover, the first speaker after the mover, the Premier and the Leader of the Official Opposition;
- After every speech on Government Bills, except for those of the mover and the next speaker, there will be a 5 minute question and comment period;
- Speaking times on Private Members' Public Bills and Motions is reduced from 20 to 10 minutes in the Assembly;
- There will no longer be an item in the Daily Routine for Reading and Receiving Petitions - petitions that are in order will only be presented;
- The sub-judice rule is supplemented to restrict Members from raising matters of a criminal matters during an appeal period. This expands the present restriction where Members are restricted from raising criminal matters from the time charges are laid until sentencing and from the time an appeal is filed to judgment;
- The number of sitting days that the Committee of Supply will be called to consider estimates will equal the number of members of

Executive Council who have portfolio (currently 24). A sitting day is defined as any afternoon or evening where at least 2 hours is devoted to estimates consideration;

- Closure is replaced with time allocation;
- A Government Bill from a previous session of the current Legislature may be reinstated to the stage it stood at prorogation on approval of a non-debatable motion.

The changes were initiated by a committee of the Government caucus. They were announced by Deputy Government House Leader and Minister of Gaming **Ron Stevens** on October 23, 2001. The process and some of the proposed changes were strongly criticized by the House Leaders of the two opposition parties.

When debate on the Government Motion began on November 21, 2001, the Official Opposition House Leader, **Debby Carlson**, (Edmonton Ellerslie), rose on a point of order requesting that the motion be divided as it contained numerous distinct propositions. Ms Carlson proposed that the amendments should be grouped as follows: the first grouping of amendments would include the items pertaining to the daily routine and order of business, the second grouping of amendments would deal with the supply process and the remaining proposed amendments, which numbered 24 in total, would be considered individually.

Speaker Kowalski ruled that the motion would be debated as one but divided into three parts for voting purposes. In addition to Alberta precedent for dividing a motion, Speaker Kowalski cited examples from the Canadian House of Commons in 1964, 1966 and 1991. The 1991 example was particularly relevant as it concerned dividing a motion to amend the *Standing Orders* of

the House of Commons. In that case the Speaker ruled that the motion be divided in three parts for voting purposes.

Other Matters

On December 20, 2001, **Robert "Butch" Fischer** (Wainwright) resigned his seat effective December 31, 2001. The resignation preceded a report from the Ethics Commissioner **Robert Clark** which revealed that Mr. Fischer borrowed money from the Alberta Treasury Branch, and that he failed to adequately disclose his assets and liabilities both of which are violations of the *Conflicts of Interest Act*. The Ethics Commissioner's report was released on January 9, 2002.

On February 14, 2002, **H.A. (Bud) Olsen**, former Lieutenant Governor of Alberta passed away. Mr. Olsen was Alberta's 14th Lieutenant Governor and served from 1996 -2000.

During the fall, Provincial Auditor General, **Peter Valentine** announced his retirement. His resignation took effect February 1, 2002. In September, **Robert Clark** left the position of Information and Privacy Commissioner but still remained Ethics Commissioner. On November 21, 2001, the Assembly passed a resolution creating a special committee of the Assembly to conduct a searches for both positions. The Select Special Auditor General and Information and Privacy Commissioner Search Committee chaired by **Janis Tarchuk** (Banff-Cochrane) is currently meeting and has not yet reported.

Effective February 1, 2002, the Acting Auditor General is **Jim Hug**. **Frank Work** serves as the Acting Information and Privacy Commissioner.

The fourth annual Mr. Speaker's Alberta Youth Parliament is scheduled to take place on April 18 and 19, 2002. The program's primary

purpose is to enhance teaching and learning about citizenship through a direct experience of the parliamentary process at the Legislature. It contains a teachers' component for 15 grade 10 social studies teachers and a students' component for 83 grade 10 students. This youth parliament is a joint venture of the Legislative Assembly of Alberta and the Alberta-NWT Command of the Royal Canadian Legion.

The Spring Sitting of the Second Session of the 25th Legislature commences on February 26, 2002 with the Speech from the Throne to be delivered by Lieutenant Governor of Alberta, **Lois Hole**.

Robert Reynolds
Senior Parliamentary Counsel



Senate

The effects of September 11 continued to dominate proceedings of the Senate throughout the fall up to the adjournment on December 18 with Bill C-36, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities, in order to combat terrorism, maintaining a prominent position on the Senate's legislative agenda. The Senate had already made a useful contribution to the legislative process earlier in the fall when it appointed a special committee to conduct a pre-study of the bill. The work of that committee had a con-*

siderable impact on the debate on Bill C-36 itself and, although not all the committee's recommendations were accepted, its concerns were taken seriously.

Legislation and Motions

When Bill C-36 reached the Senate on November 29, there was no objection to sending the bill expeditiously to committee. The Senate was already well acquainted with the principle of the bill with the adoption of the report of the Special Senate Committee studying its subject-matter. On December 10, the committee reported the bill without amendment but with observations. Debate on third reading was intense and exhaustive over the next few days. On December 18, a motion for time allocation, moved in accordance with Rule 39 when agreement could not be reached between the party leaders for the disposal of the bill, was adopted and Bill C-36 passed, without amendment the same day.

In addition to Bill C-36, time allocation motions were also adopted to conclude proceedings on Bill C-6, *An Act to amend the International Boundary Waters Treaty Act*, Bill C-7, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts* and Bill C-45, *An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002*. Subsequently, Bill C-6 and Bill C-45 received third reading on December 18. Bill C-7 was passed with an amendment and had to be returned to the House of Commons. Time allocation motions and an unusual number of recorded votes reflected the degree of pressure and tension in the Senate right before the Christmas adjournment. On December 18, the last sitting day of the year, there were an unprecedented thirteen recorded divisions.

A total of 14 bills were given Royal Assent by Governor General **Adrienne Clarkson**, on December 18.

One of these gained particular attention. Sponsored by Senator **Jerahmiel Grafstein**, Bill S-10, *An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate)*, created the position and defined the functions of a Parliamentary Poet Laureate. It is not often that a Senator's public bill manages to survive the obstacle course of legislative consideration through the Senate and the House of Commons and actually becomes law.

Committees

In the weeks before the Christmas adjournment, several committees tabled reports on special studies. The 11th Report of the Legal and Constitutional Affairs Committee dealt with the proposed Referendum Regulation adapting the *Canada Elections Act* for the purposes of a referendum. The Agriculture and Forestry Committee reported on its fact-finding trip to Washington, D.C. A report entitled *Looking South: U.S. Agriculture and Agri-Food Policy in the New Century*, summarized the points of view of the many groups and individuals who appeared before the committee. The 4th Report of the Joint Committee for the Scrutiny of Regulations resolved to repeal subsection 15(5) of the *Northwest Territories Reindeer Regulations*, which concerns the liability of dog owners for damages caused by their dogs to reindeer within a reserve. The first substantial report of the new Human Rights Committee entitled *Promises to Keep: Implementing Canada's Human Rights Obligations*, addressed the discrepancies between Canada's international human rights responsibilities and the measures to implement them. In addition to spe-

cial studies, the Senate adopted the 8th Report of the Rules, Procedures and the Rights of Parliament Committee. This report amended the Rules of the Senate to make an indicted Senator subject to judicial proceedings.

Even the Committee of the Whole was busy. It sat December 12 to consider Bill C-46, *An Act to amend the Criminal Code (alcohol ignition interlock device programs)*. The Minister of Justice and Attorney General of Canada, **Anne McClellan**, made her first appearance before the Committee of the Whole, and nine Senators participated in the debate.

Speaker's Rulings

When the Special Committee on Bill C-36 reported the bill without amendment but with observations on December 10, Senator **Noël Kinsella**, Deputy Leader of the Opposition rose on a point of order. Although the procedure was not out of the ordinary, he was concerned with the 3-page document containing Liberal majority observations that formed the attachment to the report. He contended that in adopting the committee report on a bill without amendment automatically in accordance with Rule 97(4) the Senate was denied its right to debate the observations. The fact that the committee had reported the bill with observations, led him to conclude that Rule 97(5) which refers to a committee report that recommends amendments, and not Rule 97(4), was more applicable. Senator **Fernand Robichaud**, Deputy Leader of the Government, did not share Senator Kinsella's opinion and suggested that there would be ample opportunity during third reading debate to comment on the observations. The Speaker, who ruled later that day, concluded that the use of Rule 97(4) was correct.

Debate on third reading was allowed to continue next day.

On December 14, after debate had begun on Senator **John Lynch-Staunton's** amendment to include a "proper sunset clause" in Bill C-36, Senator Kinsella rose on a point of order. He was concerned about the size of the majority required for the vote on the amendment and any other votes dealing with third reading of this bill. In his view, the Senate was faced with a unique situation: two reports from the same committee on the same subject that were contradictory in principle and substance. Senator Kinsella believed that the Senate could not reconsider its decision on the sunset clause, which had been addressed in the report on the subject-matter of the bill, without first rescinding that decision. He cited Rule 63(1), the same question rule, and Rule 63(2), which allows the Senate to rescind a previous decision with the support of at least two thirds of the senators present for the vote, to support his argument. In his ruling, the Speaker stated that because the Senate had never treated pre-study as a procedure subject to the same question rule, it was not necessary to rescind any decision of the Senate.

The procedural novelty of a Chair moving the adoption of a motion to which the Chair was opposed was the subject of interesting discussion on November 20. This came about when Senator **Lorna Milne**, Chair of the Legal and Constitutional Affairs Committee, rose to move the adoption of the 10th Report on Bill C-7, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts*, presented with eleven amendments. She concluded her remarks by indicating that, as an individual senator, she would be voting against the adoption of the report. At that point, Senator Lynch-Staunton asked for a ruling

from the Speaker on whether the actions of the Chair were appropriate. This led to interventions from several senators who expressed a variety of opinions on the role of the Committee Chair. In his ruling on November 21, the Speaker found there was no point of order. He explained that decisions made by the majority allow for the possibility that the Chair of a committee might disagree with all or part of a report. In this case, the Speaker was satisfied that Senator Milne had fulfilled the requirement of Rule 99 to explain the amendments to the Senate and was under no further obligation. He advised that should this same situation happen another time, the Chair might take advantage of Rule 97(1), which allows for the Chair to designate another member to act as sponsor of a report.

Mary Mussell
Senate Journals



New Brunswick

The Fourth Session of the 54th Legislative Assembly of New Brunswick opened on November 20, 2001. The Speech from the Throne was read by Lieutenant-Governor of New Brunswick, **Marilyn Trenholme Counsell**.

The Speech commemorated those who lost their lives as a result of the terrorist attacks on September 11, and recognized the generous actions of New Brunswickers who provided comfort and shelter to about 2,000 American, Canadian,

and international travellers whose planes were diverted to the province.

On the first sitting day following the Speech from the Throne, Members unanimously passed a motion condemning the terrorist attacks, expressing solidarity with the citizens of the United States, and supporting the Canadian armed forces engaged in the international conflict against terrorism as well as humanitarian actions in Afghanistan.

The Speech from the Throne outlined over thirty initiatives to help secure New Brunswickers' future in key areas of public safety, finance and the economy, health care, environment and energy, education and the family. Initiatives included plans for making the health care system more sustainable and secure for tomorrow; continuing to improve access to primary health care services through better utilization of health care providers; enhancing the role of registered nurses and nursing assistants in providing front-line services and care to patients; legislative changes to permit the introduction of nurse practitioners; implementing a series of initiatives to protect the public safety of New Brunswickers; continuing to build on red tape reduction initiatives taken to date, including amendments to create a single Business Registry System for licences and permits; measures for ensuring the continued viability and good management of the natural resources sector; and an update on the future of NB Power and other issues affecting electricity competition in New Brunswick and North America.

Opposition Leader **Bernard Richard** (Shediac-Cap-Pelé) provided the Official Opposition's response to the Speech from the Throne, outlining various proposals that the Opposition would be putting forth as alternatives to the

government's plans. Proposals included keeping all of the province's emergency rooms open 24 hours a day; forgiving a portion of the student loan debt for doctors and nurse practitioners who set up practice in the province; maintaining NB Power as a publicly owned utility; and calling upon university officials to appear before a committee of the Legislature to account for spending. The Opposition were also critical of the government's record on economic development in the province.

On November 23, 2001, the Minister of Finance, **Peter Mesheau** (Tantramar), presented a Financial and Economic Update to the Legislative Assembly, setting out the current financial situation and economic challenges facing the province. A surplus of \$8.7 million is projected for 2001-02, a decrease of \$26.1 million from the budget forecast. The minister noted that New Brunswick is the only province in Eastern Canada currently projecting a surplus for this fiscal year. The surplus should be achieved without using any of the government's \$100 million Fiscal Stabilization Fund. Without corrective measures, however, the Province could face a deficit of about \$180 million for the next fiscal year. The minister stated that investments in health care and education, as well as previously announced income tax cuts, are secure. Budgetary revenues are expected to be \$5.0491 billion and budgetary expenditures are expected to be \$5.0404 billion.

On December 6, 2001, the government tabled the 2002-2003 Capital Budget setting out capital investment plans for highways, schools, hospitals, and other public infrastructure. The gross capital budget is \$261.7 million – a 33 % increase from last year. The transportation capital budget is \$172 million – \$55.4 million more than last year. To

help pay for a safe and efficient highway system, it was announced that the tax rates on gasoline and diesel fuel would be increased by 2.3 cents per litre and 1.7 cents per litre respectively. It was announced that all gasoline and fuel tax revenues would be deposited into a special New Brunswick Road Improvement Fund, with all money to be invested in highway and road construction, operations and maintenance. The education capital budget is \$34 million and includes \$25 million for the third year of the government's four-year, \$100 million Healthy Schools program. The capital budget also sets out commitments to proceed with two key projects necessary to improve New Brunswick's economic and social infrastructure: completing the twinning of the Trans-Canada Highway through to the Quebec border and taking the first step in building the new Stan Cassidy Rehabilitation Centre. More than 4,000 jobs will be created or maintained as a result of total capital spending under the budget.

On December 20, Opposition Member **Roland Haché** (Nigadoo-Chaleur), was ordered suspended from the House for the remainder of the day's sitting for allegedly accusing another Member of lying. This marked the second time during the 54th Legislature that a Member was ordered to withdraw from the House for refusing to retract statements when requested to do so by the presiding officer.

The House adjourned for the Christmas break on December 21, 2001, and resumed sitting on January 2, 2002. Extended sitting hours came into effect for the month of January, which saw the House sitting at 8:30 a.m. most days and continuing until 10:00 p.m. Tuesdays through Thursdays and until 6:00 p.m. on Fridays. The extended hours were introduced to secure

passage of a number of government Bills.

Committee Activity

The majority of House time was spent in Committee of the Whole debating Bill 17, *Regional Health Authorities Act*. The Bill was introduced on December 14 by the Minister of Health and Wellness, **Elvy Robichaud** (Tracadie-Sheila). The Act creates eight Regional Health Authorities (RHAs) whose goal will be to oversee the management and provision of health care services in the province, so that New Brunswickers can continue to access an affordable and quality health care system. The Regional Health Authorities will create a single, more patient-focused, community-based health care system and ensure health services are more accessible to people and better integrated for patients and health care professionals. Initially, all RHAs will be responsible for managing and delivering acute care hospital services, extra-mural services and addictions services. Certain RHAs will provide additional highly specialized services in accordance with the Provincial Health Plan. Bill 17 received Royal Assent on January 11, 2002, following intense debate and scrutiny in the House. The new RHAs are to be in place on April 1, 2002.

Two new Select Committees of the Legislature were appointed during the session. The Select Committee on Local Governance and Regional Collaboration will travel throughout the province to consult the public on recommendations made in the Report of the Minister's Round Table on Local Governance. The Committee will hear the public's views as to which local governance models and regional service delivery structures are acceptable and appropriate for New

Brunswickers. The committee will study recommendations pertaining to local governance in unincorporated areas as well as regional collaboration and service delivery. The Committee is chaired by **Claude Williams** (Kent South).

The Select Committee on Private Passenger Automobile Insurance will be charged with inquiring into and reporting to the House on the status of private passenger automobile insurance availability and pricing in New Brunswick. The Committee will make recommendations regarding potential legislative or regulatory changes that may be considered by government to improve upon the current system. In particular the committee will look at the forms and effectiveness of automobile insurance regimes in other Canadian jurisdictions; the practicability, effectiveness and desirability of introducing any system of "no-fault" automobile insurance in New Brunswick; and whether improvements may be made to the current tort-based system. The committee, chaired by **Wally Stiles** (Petitcodiac), will present a final report to the House by July 15.

Donald Forestell
Clerk Assistant



British Columbia

Prior to prorogation on February 12, 2002, the 2nd Session of the 37th Parliament was reconvened on Friday, January 25 for a weekend

session. Three government bills were presented, and all received Royal Assent by the end of the weekend: Bill 27, the *Education Services Collective Agreement Act*; Bill 28, the *Public Education Flexibility and Choice Act*; and Bill 29, the *Health and Social Services Delivery Improvement Act*.

In response to a 10-month long dispute between the British Columbia Teachers' Federation and the British Columbia Public School Employers' Association, Bill 27 provided for legislated settlement of a collective agreement that included a 7.5 percent wage increase over three years for teachers. This Bill also provided for the appointment of a commission by the Minister of Education to review the structures, practices and procedures for collective bargaining in the public education sector.

Bill 28 increased the operating flexibility of colleges and post-secondary institutes in the areas of class size, distributed learning, and semester scheduling. In addition, this Bill made various amendments to the *School Act*, including setting district-wide K-12 class size requirements in the legislation rather than leaving them up to contract negotiations.

Bill 29 addressed collective agreements within the health and social services sectors. Specifically, this Bill gave health authorities the flexibility to reorganize the delivery of services by transferring functions or staff; permitted more flexible work arrangements; allowed contracting for services outside of the collective agreement; and altered notice and layoff provisions. With respect to the social services sector, the Bill eliminated three side deals that were signed by the previous government and the social service unions outside of the collective bargaining process, and enables the open tendering of contracts.

Two Members exercised their right to free votes (an election promise of the Liberal government) during the Committee Stage and Third Reading of Bills 28 and 29.

Third Session, 37th Parliament

The 3rd Session of the 37th Parliament was opened on February 12, 2002, at 2 p.m. with the reading of the Speech from the Throne by Lieutenant-Governor **Iona Campagnolo**. In the Throne Speech, the Lieutenant-Governor recognized the economic impact, globally and provincially, of the September 11 events. She reaffirmed that the government's central mission is to revitalize the B.C. economy as quickly as possible and outlined various government initiatives for the purpose, including exploring public-private partnerships and providing a sustainable framework to maximize growth and job creation in the energy and mining, forestry, and salmon and aquaculture industries. The Lieutenant-Governor also noted that the B.C. government will act on its commitment to sponsor B.C.'s first ever Provincial Congress on February 26. The Provincial Congress will bring together all of B.C.'s MLAs, MPs and Senators, along with the Mayors from the province's 15 largest cities, the Presidents of the five regional municipal associations, the President of the Union of B.C. Municipalities, and First Nations leaders. This spring, a *White Paper on the Community Charter* legislation will also be released by the Community Charter Council.

The other priorities of the government outlined in the Throne Speech include restoring sound fiscal management and "putting patients, students and people first." The Lieutenant-Governor reaffirmed the government's commitment to balance the budget by 2004-05 - to

be achieved by reducing spending in ministries other than Education and Health and by phasing out "less vital programs and services" over three years but still committing to long-term improvements in services for women, children and families. The government also pledged to introduce new legislation relating to post-secondary education choices, employment and assistance, child protection, gaming, and the *Residential Tenancy Act*.

Minister of Finance **Gary Collins** (Vancouver Fairview) will present the 2002-03 budget on Tuesday, February 19.

Legislative Committees

As reported in the previous issue, seven legislative committees were appointed, and all engaged in a high level of activity during the adjournment of the 2nd Session. Of these, five Select Standing Committees completed their work and reports prior to prorogation; the Select Standing Committee on Education and the Special Committee to Review the Police Complaint Process were reappointed at the beginning of the 3rd Session to complete their work by February 28 and August 9 respectively.

Since the commencement of the 3rd Session, various committee reports have been tabled in the House. On February 14, the Chair of the Select Standing Committee on Finance and Government Services, **Blair Lekstrom** (Peace River South), tabled the two reports of the Committee: on the Budget 2002 consultation process, and on the financial review

of the seven statutory officers of the Legislative Assembly. The Second Report of the Committee, the financial review, represents a new development in B.C. because, for the very first time, the statutory officers were asked to submit their budget proposals (and other related documents) to a legislative committee instead of the Treasury Board.

On February 18, the Chair of the Select Standing Committee on Health, **Val Roddick** (Delta South) presented the committee report, entitled *Patients First: Renewal and Reform of British Columbia's Health Care System*. The report contains 27 recommendations, including ones to reduce the number of health authorities in British Columbia and to establish a detailed referral network intended to improve patient care and access while retaining specialists. The report is the result of a consultation process that saw the committee visit ten communities over 30 days in October and November, hearing from more than 350 witnesses and receiving more than 700 written submissions.

Other Select Standing committees active during the 2nd Session included Aboriginal Affairs, Public Accounts, and Crown Corporations. In its report entitled *Revitalizing the Provincial Approach to Treaty Negotiations: Recommendations for a Referendum on Negotiating Principles*, the Select Standing Committee on Aboriginal Affairs recommended a mail-in referendum ballot that would contain a vision statement, a preamble explaining current commitments,

and a list of 16 questions, to be voted on individually, which will guide provincial treaty negotiations. In the recent Throne Speech, the government expressed its commitment to conduct a mail-in referendum in late spring and to establish an independent Referendum Office to provide public information.

The Select Standing Committee on Public Accounts, chaired by Opposition member **Jenny Kwan** (Vancouver Mount Pleasant), and the Select Standing Committee on Crown Corporations, chaired by **Ken Stewart** (Maple Ridge-Pitt Meadows) are also expected to table their reports shortly. The report of the Public Accounts Committee contains the committee's review of six Auditor General's reports. In the latter case, the Select Standing Committee on Crown Corporations interpreted its mandate as "assessing how effectively B.C. Crown corporations are managing their resources, by conducting a review of their annual reports and service plans." To achieve this objective, the Committee decided to proceed with its work in two phases: the information-gathering phase and then the review process itself. The report of the Committee focuses on the information gathering work undertaken during the 2nd Session, and the Committee plans to begin the review phase of its work during the 3rd Session of Parliament.

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