



Legislative Reports



Northwest Territories

The Fifth Session of the Fourteenth Assembly of the Northwest Territories convened on Tuesday, February 19, 2002 and sat through March 15, 2002. This being the annual Budget Session, the majority of house business was concerned with budgetary and fiscal issues of the Government of the Northwest Territories.

In her Opening Address, Commissioner **Glenna Hansen** thanked the Members for their united efforts, "I encourage you to maintain this ability to work as one body, one government and one voice as you continue to seek the consensus on which this Legislative Assembly is based." The Legislative Assembly was privileged to have "O Canada" sung by members the Sir John Franklin High School Choir, as well as a drum prayer offered by members of the Dettah Drummers.

Deputy Premier **Jim Antoine** delivered the Sessional Statement. He affirmed the Government's commitment to a balanced agenda and fiscally responsible budget, working in partnership with communities and organizations, continuing to invest in the NWT and its residents, and reorganizing the NWT's

fiscal capacity. Premier **Stephen Kakfwi** was absent for the opening of this Session due to his participation in the Canada Trade Mission to Russia and Germany.

On February 20, 2002 Minister of Finance, **Joseph Handley**, released the NWT's annual budget. Mr. Handley highlighted a very positive growth trend, "Our economy has impressive potential... The developments on the drawing board confirm that the Northwest Territories is on the road to becoming a 'have' jurisdiction." His Budget Address contained a number of key growth indicators: the NWT's real gross domestic product grew by 32 percent in 2001; exports increased by 19 percent and; unemployment rates fell to 9.8 percent as of January 2002. The Minister also voiced the Government's support for economic development, the environment, non-renewable resource development, roads and infrastructure, and support for the people and communities of the North.

Each department of the Government of the Northwest Territories submitted Main Estimates to be reviewed by one of the three Standing Committees of the Legislative Assembly. Subsequently, the Standing Committee on Accountability and Oversight, the Standing Committee on Governance and Economic Development, and the Standing Committee on Social Programs, each tabled reports on the review of the 2002-2003 Main Estimates in the House.

In addition to Committee Reports, a number of other documents

relating to department Budgets were tabled in the House. A collection of Public Accounts of the Government of the NWT was tabled on February 27, 2002 consisting of Consolidated Financial Statements, Non Consolidated Financial Statements, Supplementary Financial Statements and Government Indicators.

Michael Miltenberger, Minister of Health and Social Services, tabled the *Health and Social Services Action Plan 2002-2005* in the Legislative Assembly on February 21, 2002. This document maps out the actions necessary to reform health and social services and carries with it aggressive implementation timelines. The Action Plan contains five broad strategies calling for improvements to the following areas: services to people; support to staff; system-wide management; support to trustees and; system-wide accountability.

A number of significant motions were passed during this Session. These included a motion moved by **Jake Ootes**, Minister of Education, Culture and Employment, to send a congratulatory message to Her Majesty Queen Elizabeth II on the fiftieth anniversary of her accession to the throne. The Assembly passed this Motion on February 26, 2002.

On February 20, 2002 a new Special Committee was created to encourage the equitable distribution of resources to NWT communities, as well as to preserve social, cultural and traditional pursuits in these communities. Named the Special Joint Committee on Non-Taxed-

Based Community Affairs, it is chaired by **Michael McLeod**, Member for Deh Cho. All members of the Committee represent small and isolated communities in the North.

The Fifth Session of the Fourteenth Legislative Assembly saw the appointment of **Edward N. Hughes**, Q.C. as Conflict of Interest Commissioner through motion on February 26, 2002. Prior to Ted Hughes' appointment, the position was being filled under an acting appointment.

Also on February 26, 2002 a motion was passed to amend the mandate of the Standing Committee on Accountability and Oversight. The Department of the Executive was brought under this Committee's review, removing it from the mandate of the Standing Committee on Governance and Economic Development.

Lastly, a motion was brought to the House on March 12, 2002 by **Bill Braden**, Member for Great Slave, requesting a special audit by the Auditor General of Canada into the circumstances surrounding the Financial Management Board and Executive Council's approval of a Special Warrant in the amount of \$696,000. Presented to the Legislative Assembly as a portion of Bill 9, *Supplementary Appropriation Act, No. 3, 2001-2002*, this amount was payment for termination, compensation and benefits to the former Chief of Staff and Principle Secretary of the Office of the Premier, who both resigned in January.

Five bills were granted Royal Assent during this Session. These included:

- Bill 2, *Appropriation Act, 2002-2003*;
- Bill 4, *An Act to Amend the Legislative Assembly and Executive Council Act*;
- Bill 7, *An Act to Amend the Legislative Assembly Retiring Allowances*

Act and the Supplementary Retiring Allowances Act;

- Bill 9, *Supplementary Appropriation Act, No. 3, 2001-2002*; and
- Bill 10, *An Act to Amend the Income Tax Act*.

Bill 7, *An Act to Amend the Legislative Assembly Retiring Allowances Act and the Supplementary Retiring Allowances Act* gained significant attention in the Northwest Territories. Effectively serving to increase MLAs' retirement pensions, the public as well as Members of the Legislative Assembly actively debated its merits. These amendments will allow MLAs to participate in a supplementary retiring allowances plan. It also changes numerous provisions of the *Legislative Assembly Retiring Allowances Act* and the *Supplementary Retiring Allowances Act* to ensure that the two plans are alike, and consistent with similar plans, whenever possible.

A number of bills also proceeded to the Committee stage after Second Reading.

Bills currently being reviewed by Committees include:

- Bill 1, *Human Rights Act*;
- Bill 3, *An Act to Amend the Public Service Act*;
- Bill 5, *An Act to Amend the Adoption Act and the Family Law Act*;
- Bill 6, *An Act to Amend the Financial Administration Act*;
- Bill 8, *An Act to Amend the Nursing Profession Act*; and
- Bill 11, *An Act to Amend the Liquor Act*.

Bill 1, *Human Rights Act* would replace the *Fair Practices Act* and reform human rights legislation in the Northwest Territories. It would expand the list of prohibited grounds of discrimination, establish an independent Human Rights Commission and put in place modern investigative and adjudicative processes for dealing with complaints.

The Standing Committee on Social Programs is currently examining this bill.

Bill 5, *An Act to Amend the Adoption Act and the Family Law Act* is significant because its amendments reflect the requirements for equality under the *Canadian Charter of Rights and Freedoms*. The Government of the Northwest Territories will be addressing the issue of same-sex relationships in two phases: phase one is the introduction of the bill to amend the *Adoption Act* and the *Family Law Act*, while phase two will involve a review of, and amendment to, all of the remaining thirty-five pieces of legislation that use the word "spouse," or its equivalent.

The first annual Northern Mines Ministers Conference was held on April 4, 2002. It was co-chaired by Mr. Antoine, Minister of Resources, Wildlife and Economic Development, and **Robert Nault**, federal Minister of Indian Affairs and Northern Development. With the flurry of mining activity in the NWT, this was an opportunity to review the key issues facing the northern mining industry. Participants were expected to develop a plan to encourage both mineral investment in the North as well as a healthy industry that will strengthen employment opportunities for northern communities and Aboriginal people.

Premier, and Minister Responsible for the Status of Women Council, Mr. Kakfwi, spoke in commemoration of International Women's Day on March 8, 2002. "Northern women have long been the voice for social justice and for peace in our homes and communities," said Mr. Kakfwi. The Status of Women Council selected five women from across the NWT for the Wise Women Awards, and a luncheon was held in the Legislative Assembly's Great Hall to honour their achievements.

The Fifth Session of the Fourteenth Legislative Assembly of the Northwest Territories will reconvene on June 11, 2002.

Tasha Wasyliw
Public Affairs Assistant



Manitoba

On April 22, 2002, the Third Session of the Thirty-Seventh Legislature resumed with the presentation of the Budget Speech by **Greg Selinger**, Minister of Finance. Highlights of the budget, as outlined in a government news release included:

- \$500 million more in spending for health, education, families and communities;
- \$244 million annually in personal tax reductions;
- \$288 million towards debt and pension liability reduction.

On April 23, 2001, a non-confidence motion was moved by **Stuart Murray**, Leader of the Official Opposition. The amendment was defeated on May 1, 2002 by a vote of Yeas 24, Nays 31. The budget motion was adopted on the same day by a vote of Yeas 31, Nays 24.

When the debate on the budget is concluded, consideration of the expenditure estimates will commence. Manitoba's *Standing Orders* allow for a maximum of 240 hours

for consideration of the departmental expenditure estimates.

Motion of Condolence on Passing of Queen Mother

On April 23, 2002, Premier **Gary Doer** moved, seconded by **Stuart Murray**, a motion of condolence in remembrance of Her Majesty, Queen Elizabeth the Queen Mother. Following speeches, a moment of silence commemorating her life was held.

Committee Activity

Standing Committee activity was quiet during this quarter. The Standing Committee on Privileges and Elections met on February 11, 2002 to consider the recruitment of the Children's Advocate whose term was to expire on March 29, 2002, and the recruitment of the Ombudsman whose term was to expire on March 2, 2002. Both of these positions, in accordance with the legislation, could be renewed for a second term. By motion passed by the Committee, **Janet Mirwaldt** was appointed for a second three year term as the Children's Advocate, and **Barry Tuckett** was appointed for a second six year term as Ombudsman.

Expiration of Provisional Rules

The provisional changes to the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba that were concurred in, by the House, on May 16, 2001 expired March 31, 2002, thereby returning Manitoba to pre-May 16 rules. Some of the rules that Manitoba will be reverting to are:

- 240 hours allotted for the consideration of ways and means and supply resolutions respecting main, interim, capital and supplementary estimates and for the consideration in the Committee of the Whole of the relevant Supply Bills.

- No Friday morning sittings of the Committee of Supply.
- Private Members' Business to be held each sitting day from 5:00 p.m. to 6:00 p.m., except during debates on the Throne Speech or Budget.
- Return to previous notice requirements for placement of items on the Notice Paper section of the Order Paper. There are no provisions for inter-sessional filing.
- Concurrence and third reading of a bill will return to being two separate motions, with the concurrence motion being non-debatable.
- The process for report stage amendments returns to distribution of the report stage amendment prior to the calling of Orders of the Day.

On April 23, 2002, a motion was passed in the House reinstating some of the Provisional Rules:

- The Whips (or a designate) will continue to file their substitutions with the Office of the Clerk thirty minutes prior to the start of the meeting. Substitutions are allowed during a committee meeting, with leave.
- The appendices to the existing rule book and scripts pertaining to Royal Assent will remain in the "plain language" wording.
- The Chairperson of the Committee of Supply will continue to report to the House items passed during consideration of interim, main and capital supply, at the conclusion of the estimates all resolutions passed, the concurrence motion and any incidents of grave disorder. Prior to this, the Chairperson of Supply reported to the House daily on the previous day's events in Supply.

Speaker's Rulings

On December 6, 2001, the Member for Russell indicated to the House that a telephone conversation had

been mistakenly left on the wrong answering machine and he was tabling a cassette tape and transcript of this answering machine message. The Government House Leader rose on a point of order stating that if conversations were being brought into the House then a Member should provide the basis of who was making and receiving the phone calls. Speaker **George Hickes** took the matter under advisement. The House adjourned on that same day resuming on April 22, 2002. On April 25, 2002, Speaker Hickes ruled that the Member for Russell should sign and submit a declaration regarding the items tabled. He further stated that this action would make the items receivable by the House, because according to Beauchesne citation 494, statements by Members respecting themselves and particularly within their own knowledge must be accepted.

Matter of Privilege

On December 6, 2001, **Len Derkach** (Russell) rose on a matter of privilege and moved "THAT the actions of the Minister of Education in providing copies of a letter or document to the media without first providing that document to the Legislature as requested, after that document had been repeatedly asked for by members of this House, constitutes a breach of the privileges of the members of this House and that this matter be referred to a committee of this House." The Speaker informed the House that he would take the matter under advisement. On April 25, 2002, Speaker Hickes ruled that there was no matter of privilege citing past Manitoba Speaker's rulings and an excerpt from Joseph Maingot's *Parliamentary Privilege in Canada* which indicates "a complaint that a Minister of the Crown has made a statement outside the House rather than in the

House or that the government provides information only to its supporters in the House or a grievance against the government, but in the absence of an order in the House forbidding such activity, there is no person or corporate privilege that has been breached in the doing, and neither does it constitute contempt of the House in the 'privilege' sense."

By-election for Constituency of Lac du Bonnet

On March 12, 2002, Manitobans went to the polls to elect a new representative in the constituency of Lac du Bonnet, formerly held by **Darren Praznik**. The long time Progressive Conservative seat was retained. **Gerald Hawranik** was elected as the new Member for Lac du Bonnet. The New Democratic Party presently hold 32 seats, the Progressive Conservatives hold 24 seats and the Liberals hold 1 seat.

Golden Boy

Manitoba's famous Golden Boy was removed by crane from the roof of the Manitoba Legislative Building on February 9, 2002 to undergo structural repairs. From February 12 to March 7, 2002, Manitobans had the opportunity to get up close and personal as the statue was on display at the Manitoba Museum. A Manitoba company has been selected to repair the Golden Boy in order for future generations to enjoy this symbol of our province. The Golden Boy is expected to be returned to his place on the dome by September 2002.

JoAnn McKerlie-Korol
Clerk Assistant



Ontario

Change was the order of the day when the Ontario Legislative Assembly resumed sitting again on May 9, with a Speech from the Throne opening the 3rd Session of the 37th Parliament. The Speech was read by the Honourable **James Bartleman**, who was installed as Lieutenant Governor on March 7, 2002, replacing the Honourable **Hilary Weston**. Mr. Bartleman comes to the Vice-Regal position after a 35-year career in the Canadian Foreign Service, most recently as Canada's Ambassador to the European Union since 2000.

The new legislative Session also marked a transition in the governing Progressive Conservative administration. Six weeks earlier, in March, the Progressive Conservative Party chose **Ernie Eves** at its leadership convention to replace Premier **Mike Harris**, who had announced his intention to leave elected office in October of 2001. Mr. Eves was a 20 year veteran of the Ontario Legislature when he decided to retire from public life early in 2001. However, he decided to contest the Conservative leadership vacated by Mr. Harris and, having won, now was looking for a seat in the House.

Subsequently, in April 2002, both Mr. Harris and **David Tilson** (PC/Dufferin-Peel-Wellington-Gre

y) resigned their seats in the Legislature, triggering by-elections which were called for May 2. Mr. Eves, Premier-designate, chose to run in the seat vacated by Mr. Tilson. During the by-election period, on April 15, the Lieutenant Governor swore in Mr. Eves' first Cabinet, and Mr. Eves as Premier, marking the final day of Mr. Harris' public service to the Province of Ontario.

Mr. Eves subsequently won the by-election in Dufferin-Peel-Wellington-Grey and took his seat in the Legislature on May 13. The by-election in Mr. Harris' former riding of Nipissing produced a very close result, which was settled by a judicial recount on May 15. The victorious candidate, **Al McDonald**, retained the riding for the governing Progressive Conservatives with just a 48 vote margin, and he took his seat on May 27.

The new Session began with a very full agenda, since 128 public bills of the previous Session had been carried over to the current Session by a special order of the House. The main political theme dominating the Ontario Legislature in Spring 2002 revolves around controversial plans for Hydro One, the provincially-owned electrical transmission utility, one of 3 successor companies to the former Ontario Hydro, which was broken apart by the government several years ago.

A planned initial public offering of shares in Hydro One was struck down by the Ontario Superior Court, which ruled that the Province lacked the legislative authority to divest itself of this public asset. The government has announced that it intends to introduce legislation to address this problem, and will at the same time appeal the court decision. In the wake of the ruling, a very robust public debate has erupted about the right course to take with Hydro One. The government has promised that a legis-

lative committee will be given the task of holding public hearings on the issue and to provide its advice to the House.

Aside from debate on the motion for an Address in reply to the Speech from the Throne, which has occupied the bulk of time so far, the House has in its short time this Session also debated 2 government bills, one an agricultural bill related to nutrient management and the other an environmental bill related to waste diversion. Both were referred to standing committees. The House has also debated a motion from the Leader of the Official opposition, **Dalton McGuinty** (LIB/Ottawa South) related to the Hydro One issue.

Todd Decker

Clerk of Journals and
Procedural Research

Committee Activity

The Committees Branch has been carrying on with business since the recess on December 13, 2001

The Standing Committee on Government Agencies chaired by **Jim Bradley**, (St. Catharines) has continued to review proposed appointments.

The Standing Committee on Finance and Economic Affairs chaired by **Marcel Beaubien** (Lambton-Kent-Middlesex), conducted pre-budget consultations around the province. The committee traveled to Sault Ste. Marie, Windsor, Cobourg, Kitchener- Waterloo and Barrie and conducted four days of hearings in Toronto.

The Select Committee on Alternate Fuels chaired by **Doug Galt** (Northumberland), conducted extensive public hearings and traveled to other jurisdictions to gather information on alternative fuel sources. The Committee has been

reviewing its data and writing its report which will be tabled by the end of May 2002.

The Standing Committee on the Legislative Assembly, chaired by **Margaret Marland** (Mississauga South), undertook study visits to a number of jurisdictions under the terms of its mandate to inquire into and report on parliamentary reforms. In February and March, the Committee visited the Houses of Parliament at Westminster, the Scottish Parliament and the National Assembly of Wales. In April, the Committee undertook further research meetings at the Senate and House of Commons in Ottawa and the Quebec National Assembly. The Committee is reviewing its material and will produce a report by October 15, 2002.

Anne Stokes

Committee Clerk
Standing Committee on General
Government



British Columbia

As reported in the previous issue, the Minister of Finance and Government House Leader, **Gary Collins** (Vancouver-Fairview), presented the Liberal government's first complete budget on February 19, 2002. He defined the top priorities of the financial plan as "restoring sound fiscal management, revitalizing the economy, and putting patients and students first." To tackle the projected deficit of \$4.4 billion, total spending in ministries,

except for those providing health and education services, is being reduced by an average of 25 percent during the current fiscal year. To raise revenue, the following measures were announced:

- a 50 percent increase in Medical Services Plan premiums, except for people living on low incomes;
- an increase of 0.5 percent in the provincial sales tax to fund the doctors' recent pay increases, awarded by an independent arbitrator; and
- an increase in the tobacco tax of \$8 a carton to raise \$150 million in revenue.

The budget documents tabled in the House included the three-year service plans of all the ministries and Crown corporations, which were developed during the seven-month core services review that began in the fall of 2001. To ensure that cabinet ministers meet the government's spending targets, statutory salary holdbacks have come into effect for the 2002-03 fiscal year. The *2001 Balanced Budget and Ministerial Accountability Act* specifies that 10 percent of the salaries of members of the executive council will be payable only if the public accounts show that the government's bottom-line target has been achieved. A further 10 percent will be paid only if ministers meet the spending targets set out in their own ministry service plans.

Under the new annual parliamentary calendar, Budget Day takes place on the second Tuesday in February, some six weeks earlier than in previous parliaments, when the budget was usually presented closer to the fiscal year-end. As a result of the new schedule and the lack of a sizeable opposition, the review of the estimates by the House was completed by April 29, 2002. The *Supply Act*, 2002-2003 advanced through three readings on the same

day, a practice that has been permitted in British Columbia since 1996.

Legislation

Part of the government's plan to overhaul the health care system involved amending laws passed by the previous government. For example, the *Health Planning Statutes Amendment Act*, 2002 makes seven changes that are designed to strengthen public safety, improve the governance of health professions, deal with outdated regulations and to use resources more efficiently, with the anticipated cost savings to be directed back to patient care.

Changing the education system has been another top priority on the government's agenda. In terms of legislative action, lifting the freeze on tuition fees at the province's colleges and universities required the repeal of a regulation made under section 10(2) of the *Access to Education Act*. Other changes to the post-secondary sector included the passage of the *Degree Authorization Act*, which expands the degree-granting authority of both private and public post-secondary institutions inside and outside B.C. As well, the *School Act* is in the process of being amended in order "to improve student achievement." The proposed changes include establishing school planning councils as forums for parental involvement, providing parents and students with more choice about schooling, and lifting spending restrictions on school boards and giving them more autonomy.

Other government bills introduced during the Spring sitting include two welfare measures that redefine the eligibility criteria and rules for people claiming ordinary and disability benefits, emphasizing employment and self-sufficiency. The *Employment and*

Assistance Act and a companion statute, the *Employment and Assistance for Persons with Disabilities Act*, are designed to cut \$600 million from the \$1.16 billion welfare budget over the next three years.

To protest the proposed changes to the welfare laws, the Leader of the Opposition, **Joy MacPhail** (Vancouver-Hastings) called for a rare vote on the first reading of the two bills. At the second reading stage of Bills 26 and 27, a government backbencher, **Val Anderson** (Vancouver-Langara) broke party ranks and voted against their passage. The governing party permits free votes for its private members, except on matters specifically identified as votes of confidence.

Speaker's Rulings

The Speaker has made several procedural rulings during the Third Session. One ruling related to a Private Member's Bill introduced by Ms. MacPhail, to restrict fish farming. During the second reading on April 15, 2002, Mr. Collins asked the Speaker to rule Bill M201 out of order because it proposed a licensing fee for fish farms, arguing that only the government can impose this type of revenue-raising measure. The next day, after realizing that the relevant clause in fact referred to an existing fee rather than a new one, he identified another reference in the bill, requiring fish farmers to undertake the expense of building an "impermeable" containment vessel. Subsequently, on April 17, 2002, the Speaker ruled that the subsection in question would "involve a charge upon a section of people" and, therefore, the private member's bill was out of order.

Another ruling dealt with a privilege matter raised on March 27, 2002 by **Reni Masi** (Delta North), relating to the leak of a confidential draft report from the Select Stand-

ing Committee on Education to the B.C. Teachers' Federation, which was subsequently reported upon by the *Vancouver Sun*. His request to the Speaker for a ruling prompted **Jenny Kwan** (Vancouver-Mount Pleasant) to stand in her place and advise the House that she had shared the draft report with a group of stakeholders on what she understood to be "a confidential basis." She then expressed regret for her part in the matter and apologized to the House if, in fact, any information from her office had appeared in the *Vancouver Sun*.

On April 2, 2002 the Speaker ruled that the material presented, combined with the admission of Ms. Kwan, were sufficient to establish a *prima facie* case of breach of privilege or contempt. The House then approved the motion proposed by Mr. Masi to refer the matter to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills. To date, the Committee has held three business meetings to discuss how to conduct its inquiry into the first privilege case involving premature disclosure of a committee report to occur in British Columbia.

Legislative Committees

Now that the Spring sitting is coming to a close, it is anticipated that three other select standing committees (Crown Corporations, Finance and Government Services, Public Accounts) will soon receive their terms of reference for the Third Session and become active again. Their membership has already been determined by the Special Committee of Selection, which reported to the House on April 4, 2002.

Another legislative committee has also been active since the House convened in February. The Special Committee to Review the Police

Complaint Process is continuing its deliberations in regard to the complaint procedure outlined in Part 9 of the *Police Act* and the work of the police complaint commissioner, a statutory officer of the Legislative Assembly. Its report is due in August 2002.

Other Matters

On February 21, 2002 **Tony Bhullar** (Surrey-Newton) stepped down from the Liberal caucus and will continue to sit as an Independent Liberal in the House.

Josie Schofield

Research Analyst

Office of the Clerk of Committees



Prince Edward Island

On March 26, 2002, the Third Session of the Sixty-first General Assembly re-opened for the Spring Sitting with the presentation of the budget. **Pat Mella**, currently Canada's longest-serving Provincial Treasurer, introduced her sixth budget which contained expenditures of approximately \$1 billion. Health and Social Services continued to account for the largest share of Provincial expenditure at just over \$389 million, or 38.9% of the total expenditure; followed closely by Education at \$203 million, or 20.3% of the total. Tax measures included raising the Health Tax on Tobacco by five dollars per carton of 200 cigarettes, and an increase in the Gasoline Tax of one cent per litre.

During the Spring Sitting, 25 Government Bills were introduced, all of which received Royal Assent. Four of the more significant pieces of legislation considered by the House were:

- *Coat of Arms Act* (Bill No. 30), which provides for the augmentation of the original Armorial Bearings of the Province with a crest and supporters. In 2001, to mark the 150th anniversary of Responsible Government in Prince Edward Island, the Premier, on behalf of the Executive Council, requested that the Governor General grant the Province the honour of a Full Achievement of Arms, in recognition of Prince Edward Island's co-sovereign status in the Canadian federation. Her Excellency has agreed, and Her Majesty the Queen has approved the use of the Royal Crown in the new Armorial Bearings.
- *An Act to Amend the Freedom of Information and Protection of Privacy Act* (No. 2) (Bill No. 32), which expands Cabinet confidentiality by removing the exception regarding background documents, among other changes. The Bill also specifies the process by which the Information and Privacy Commissioner is appointed by stating that it is upon the recommendation of the Standing Committee on Legislative Management to the Legislative Assembly followed by a resolution supported by at least two-thirds of the Members present.
- *An Act to Amend the Health and Community Services Act* (Bill No. 43), which provides for the establishment of a new Provincial Health Services Authority and the new Advisory Council. The Act also clarifies that the health authorities and their employees are not Crown agents, and authorizes orders to be made concerning the transfer of assets, liabilities, contracts, positions, etc., within the health system.
- *An Act to Amend the Victims of Family Violence Act* (Bill No. 45)

will improve the usefulness of provisions under Emergency Protection orders and Victim Assistance orders, sending the clear message that breaches of orders are to be taken seriously. The Bill also clarifies the amounts that may be charged for offences committed under the Act.

In addition, two Private Bills received Royal Assent. They were *An Act To Amend And Consolidate The Several Acts Effecting And Relating To The Incorporation Of Zion Presbyterian Church, Charlottetown* (Bill No. 100) and *Prince Edward Island Mutual Insurance Company Act* (Bill No. 101).

The Third Session of the Sixty-first General Assembly prorogued on May 10, 2002, after a total of 45 sitting days (Fall and Spring Sittings).

Committee Activity

The Standing Committee on Privileges, Rules and Private Bills met twice between the Fall and Spring Sittings to consider the question of whether handheld and/or laptop computers should be permitted on the floor of the Legislative Assembly. The Standing Committee undertook a survey of other Canadian jurisdictions on the use and availability of technology, along with the guidelines for use of electronic devices. In summary, a trend toward the adoption of personal digital assistants and laptop computers was observed throughout the country. There still exists a general ban on the use of cellular telephones.

After reviewing the information, the Standing Committee recommended that, except for ceremonial occasions such as the Speech from the Throne, laptops and handhelds be allowed in the Legislative Assembly. The use of laptops during Oral Question Period is recommended on a trial basis for the re-

mainder of this Session, and will be evaluated at its conclusion. If, in the opinion of the Speaker or Chair, the use of laptops and handhelds impinges on the decorum or dignity of the House, a Member may be ordered to discontinue use. Sound capabilities of all devices must be muted. In addition, the Standing Committee recommended that laptop computers not be allowed in meetings of standing or special committees; and cell phones may not be used in the Legislative Assembly or in any committee meeting. Since the report of the Standing Committee was adopted, several Members have taken their laptops into the House, and it has been noted that screen contents are visible from the public gallery.

The Standing Committee on Public Accounts met several times to consider the 2000-2001 Public Accounts of the Province of Prince Edward Island, inviting the Province Treasurer, Pat Mella; and the Deputy Provincial Treasurer, Michael O'Brien, to appear before it. The Standing Committee focused on the operating budget and consolidated budget, accounting rules relating to capital investment by government, the provincial debt and current deficit, the Province's bond rating, the Prince Edward Island Lending Agency Inc., and federal government transfers to the Province. The Standing Committee has been authorized to sit intersessionally for the purposes of concluding its examinations into the Public Accounts and the 2002 Report of the Auditor General to the Legislative Assembly, and will report in the next Session.

As previously reported, the Standing Committee on Agriculture, Forestry and Environment took the unusual step in December of issuing warrants to two representatives of the Canadian Food Inspection Agency following their

repeated refusal to appear voluntarily before the Committee to assist in its investigation into the potato wart crisis. Subpoenas were prepared by the Clerk's Office and served on two representatives of the CFIA Charlottetown office directing them to attend a meeting of the Committee scheduled for January 10, 2002. Department of Justice Canada responded to the Chair of the Standing Committee requesting that the summonses be withdrawn, citing the *Keable decision* as grounds, or, in the alternative, referring the matter to a judicial review by the Supreme Court of Prince Edward Island. Before the Standing Committee had a chance to respond, on January 2, 2002, the Clerk was advised by the Office of the Attorney General that the Federal Government made application to have the subpoenas stayed. A court date of January 3, 2002, was set. An adjournment was agreed to by both parties, and the matter was heard by Justice Kenneth MacDonald on January 7, 2002. Justice MacDonald made an interim declaration, granting a temporary exemption for both CFIA representatives from complying with the summonses, and setting a date of March 15, 2002, to hear the case. The Committee met on January 10, 2002, to advise those in attendance that the validity of the warrants compelling two representatives of CFIA to appear before the Committee was being challenged in the courts, and therefore, the scheduled witnesses would not be present at this meeting. At this point, the work of the Committee turned from investigation of the potato wart crisis to preparation for the upcoming court case. All relevant documentation was provided to the Committee's legal counsel. Prior to the date which had been set for the case, a postponement was granted and arguments on this matter now will be heard on June 11, 2002. A

further update will be provided for the next issue of *Canadian Parliamentary Review*.

Privilege – An Update

On November 21, 2001, the Minister of Development, **Michael Currie**, raised a question of breach 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 wire-tapped conversations of private individuals. Mr. MacKinley withdrew his use of the words "wire tap" and replaced them with the word "taped" but declined to apologize. Later in the sitting day, Premier **Pat Binns** rose and requested an apology. Again the Leader of the Opposition declined. In her ruling, Speaker **Mildred Dover**, found that a *prima facie* case of breach of privilege had been made. 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 House, and tabled in the House, would be acceptable. On December 5, 2001, Mr. MacKinley tabled his letter of apology, which proved to be unacceptable to the House. A motion to suspend the Leader of the Opposition for the remainder of the sitting day was passed.

The following day, Mr. MacKinley tabled letters of apology addressed to the Minister of Development and Technology, the Speaker and the House. He asked Speaker Dover to rule on the acceptability of the letters and to apprise the House of the procedure involved in suspending a Member from the House of Commons. After a brief recess to consider the letters,

the Government House Leader addressed the House and asked the Speaker to read the letter, which she did. The Government House Leader expressed his disappointment in the letter. The Provincial Treasurer, Ms. Mella made a statement expressing her disappointment in the letter but indicating that this issue had received enough attention of the House and suggested that the business of the House should proceed. The Speaker stated that had she ruled on the letters she would have found them to be unacceptable; however, given the statements of the Government House Leader and the Provincial Treasurer, it was her decision that the consensus of the House was that this issue appeared to be resolved and that the House should proceed with its business. The Leader of the Opposition suggested he would abide by the Speaker's Ruling and table another letter of apology. Speaker Dover indicated that this would not be necessary.

The Special Committee on *The Election Act* presented its final report to the Legislative Assembly on April 27, 2001, with the recommendation that Elections P.E.I. commence a review of the systems of proportional representation presently in existence in other jurisdictions, with special emphasis on jurisdictions of comparable size and population as Prince Edward Island. Elections P.E.I. began its research of proportional representation systems shortly after receiving this instruction and submitted its final report to the Speaker, who tabled it on April 16, 2002. The report provided a glossary of terms used in electoral systems, examples of proportional representation in various countries, and compared advantages and disadvantages of first-past-the-post and proportional representation systems. Elections P.E.I. also pro-

vided scenarios of three variations of proportional representation which might suit Prince Edward Island. The report concluded that any binding decision for one system over another system should be left to a provincial referendum, preceded by an impartial campaign of public education about the issues involved in the choice.

Leader of the Opposition Sick, Media Pose Questions

With the only Opposition Member ill for a second day running, Members of the Legislative Assembly allowed media representatives to have a hand in Oral Question Period on May 2, 2002. Members of the local press corps submitted written questions to Private Members which were then asked in the House. The result was a question period that touched briefly on a dozen subject areas from roadwork to an embattled lobster plant, and included the question as to whether it was proper to allow journalists to pose questions on the floor of the Legislative Assembly. The Premier later commented that this was an experiment that he wasn't sure would be repeated but he thought it had helped fill the gap resulting from the absence of the Leader of the Opposition. He also said, in a media interview, that he would consider other sources of questions including a web site that let members of the public offer questions via the internet, should it become necessary due to the continued absence of the Leader of the Opposition. The Leader of the Opposition, Mr. MacKinley, returned to the House on Friday, May 3, 2002.

Legislative Pages on Television

Early in May, *Island Focus*, a half-hour community outreach program, did a feature story on the

Page Program at the Legislative Assembly. This four-minute segment, was part of a longer program on "interesting jobs" which was broadcast on Eastlink Television. Host **Peter MacPhee** interviewed student pages **Lindsay Anderson** and **Nicole Simpson** about their experiences working on the floor of the Legislative Assembly. Clerk **Charles MacKay** contributed his thoughts about the selection process and the role of the student page. The segment focusing on the Page Program now can be viewed at <http://www.gov.pe.ca/focus/episodes.php3?rq=archive>.

MLA Apologizes

In one of the most emotionally-charged speeches delivered in the Legislative Assembly, **Wilbur MacDonald** (Belfast-Pownal Bay) offered a full and unqualified apology to the House and to all Islanders for comments he made during debate on April 19, 2002. At the same time, he resigned from the Standing Committee on Social Development, which he chaired, and from government's Strategic Planning Committee.

The apology followed several days of furor in the local and national media, as well as in offices, kitchens and coffee shops across the Province and the country. At the centre of the controversy were statements Mr. MacDonald made while debating a motion dealing with child pornography. Speaking without notes, he expressed fears about the future of the white human race, and associated immigrants with a decline in Canadian society. He then proceeded to comment on the *Charter of Rights and Freedoms*, along with declining standards in television programming.

Public response was strong and immediate, and focused almost entirely on the opinions judged by

some to be racist in nature. Some expressed the view that the Legislative Assembly was no place to promote such views; others questioned the role of the Speaker in such a situation, and many concluded that Mr. MacDonald did not have the right to speak the offensive words in the House. There was very little support for the principle that a Member has the right to express opinion on the floor of the House, without fear of civil liability or censure from the House – regardless of whether the views being expressed are shared by the majority.

Speaker Gives Gift to Schools

As part of the celebration of the Golden Jubilee of Her Majesty Queen Elizabeth II, Speaker **Mildred Dover**, is presenting a framed photo of the Queen to every Island school. "For the past fifty years, Her Royal Majesty has inspired all of us with her devotion to duty and her unselfish labour not only for the people of this province but for all the people of the Commonwealth," commented the Speaker. Unframed versions of the Queen's portrait were provided by the federal Department of Canadian Heritage.

Tribute to Canadian Soldiers Killed in Afghanistan

On April 18, 2002, Premier **Pat Binns**; and the Leader of the Opposition, **Ron MacKinley**, made statements on the deaths of four Canadian soldiers of the Third Battalion of Princess Patricia's Canadian Light Infantry. The House observed a moment of silence in their memory.

Marian Johnston
Clerk Assistant and
Clerk of Committees



House of Commons

The early part of 2002 has been dominated by controversy and acrimonious relations between government and opposition Members on issues ranging from Canada's participation in the American-led campaign against terrorism in Afghanistan to the awarding of advertising contracts by the Department of Public Works.

The Commons was also rocked by the usurping of one of its long-held traditions when **Keith Martin** (Canadian Alliance) grabbed the ceremonial Mace, which lies in a place of honour at the head of the Clerk's table in front of the Speaker to indicate when the House is sitting. Mr. Martin was angered when government members voted in favour of an amendment to discharge his bill on the non-medical use of marijuana and refer the subject matter to a committee. In what appears to have been a premeditated act of defiance, Mr. Martin walked up the centre aisle to the table, picked up the five-foot long Mace and proclaimed loudly to the Speaker, "We don't live in a democracy any more." A question of privilege was subsequently raised by the Government House Leader, **Ralph Goodale**, and was deemed *prima facie* by the Speaker. Following negotiations between the parties, Mr. Martin appeared at the bar of the House to apologize for his actions.

The House has seen its fair share of musical chairs over the past sev-

eral months. Following the long-awaited Canadian Alliance Party (CA) leadership convention in March and the victory of **Stephen Harper** as the new Party leader, five of the remaining dissident Democratic Representative Caucus Members opted to leave their coalition with the Progressive Conservatives and were accepted back into the fold of the Alliance (**Deborah Grey**, **Jay Hill**, **Grant McNally**, **Val Meredith** and **Chuck Strahl**). **Inky Mark** opted to continue to sit as part of the Progressive Conservative Party Caucus as a "Conservative Independent". It was not known at the time of writing whether **Jim Pankiw** would continue to sit as an Independent or if he would return to the Alliance caucus.

Procedure

On the evening of January 28th, the first sitting following the Holiday season break, a special take note debate was held on the deployment of Canadian Forces personnel in Afghanistan. On March 21st an emergency debate was held on the fisheries industry. Another emergency debate was held on April 8th to consider the deterioration of relations between Israel and Palestine in the Middle East.

Another procedural "first" occurred on January 28th, pursuant to recent changes to the Standing Orders based on recommendations of the Modernization Committee. Following a point of order raised by backbencher **Guy St-Julien** (Lib.), the Speaker informed the House that due to the Government's failure to respond to a number of Written Questions on the Order Paper within the specified 45-day period, they were being deemed referred to various standing committees of the House.

On February 4th in a ruling on a point of order raised by **Vic Toews**

(CA), concerning the handling of unanswered questions referred to the Standing Committee on Justice and Human Rights, the Deputy Speaker made a statement on the intended functioning of the new procedure.

A dispute occurred in March between opposition parties with regard to the allocation of opposition days for Supply proceedings and the number of such days that would be made votable. On March 11th, pursuant to S.O. 81(14), Speaker **Peter Milliken** informed the House of the motion of supply on national security in the name of **Peter Mackay**, of the Progressive Conservatives – Democratic Representative Coalition (PC/DR) to be considered the following day. The Speaker added that the motion would be votable. **Randy White** (CA) rose to object and stated that the motion should be non-votable, given that the PC/DR had already used their allotment of votable motions. It should be noted that the allotment for supply days and the number that are made votable is negotiated in an informal agreement outside of the Chamber between opposition House leaders. The Speaker stated that there seemed to be a disagreement between the parties on the allocation of votable supply motions and urged the House leaders to meet to iron out the matter. Following several more interventions the following day, the Speaker announced that he would not accept the designation of any motion as votable until an agreement had been reached. The matter was finally resolved when Mr. White sought unanimous consent to move a motion that laid out the allotment of supply days and the number of those that would be made votable among the Opposition parties (CA - 11 days, 8 votable; Bloc Quebecois (BQ) - 6 days, 4 votable; New Democratic Party (NDP) - 2 days, 1

votable; PC/DR - 2 days, 1 votable). Unanimous consent was granted and the motion was agreed to.

Privilege

Early in the sitting period a question of privilege was raised by **Brian Pallister** (CA), who alleged that **Art Eggleton**, the Minister of National Defence, deliberately misled the House as to when he knew that prisoners taken by Canadian JTF2 troops in Afghanistan had been handed over to the Americans. In support of that allegation, he cited the Minister's responses in Question Period on two successive days and alluded to a number of statements made to the media by the Minister. In his ruling on the matter, the Speaker stated that there appeared to be no dispute as to the facts. He stated that while he accepted the Minister's assertion that he had no intention to mislead the House, it was clear that two versions of events have been presented to the House. He concluded that the situation where the House was left with two versions of events was one that merited further consideration by an appropriate committee, if only to clear the air.

Mr. Pallister moved and the House concurred that the matter be referred to the Standing Committee on Procedure and House Affairs. Following extensive study, the Standing Committee reported back to the House finding that the Minister had made a mistake, but that, in its judgment, there had been no intent to confuse or mislead and therefore concluded that no contempt of the House had been committed by Mr. Eggleton.

During the course of the Committee's study on the Eggleton affair, a second question of privilege was raised in the House by **Joe Jordon** (Lib.), the Parliamentary Secretary to the Prime Minister. He charged

that the Alliance Party had breached parliamentary privilege by publishing statements on its website and through comments made to the media to the effect that the Minister of National Defence and the Prime Minister had deliberately misled the House and concealed important information through false statements made in the House. In his ruling on the matter the Speaker stated that while he could not find that a *prima facie* case of privilege existed, in his opinion, the various statements and communications were intemperate and ill-advised, adding that he was troubled by the fact that the language that had been the basis for the complaint, appeared again in the text of the dissenting opinion from the Alliance that was appended to the report of the Standing Committee on Procedure and House Affairs. The Speaker stated that he was not commenting on the substance of dissenting opinions or on the content of Committee reports themselves, but instead was urging Members and Chairs of Committees to ensure that the parliamentary practice with regard to language and form is fully respected.

Committees

In addition to the release of the 50th Report of the Standing Committee on Procedure and House Affairs relating to the Eggleton Affair (misleading the House), other key Committee reports released recently include the Standing Committee on Citizenship and Immigration's 3rd Report entitled *Building a Nation: Regulations under the Immigration and Refugee Protection Act*, and the Standing Committee on Industry Science and Technology's 8th Report entitled *A Plan to Modernize Canada's Competition Regime*. The Standing Joint Committee on Official Languages

released a number of reports during the winter months including the 7th Report entitled *Air Canada: Good intentions are not enough!*; the 8th Report – *The official language minority communities told us...* and its 10th Report on the *Advisability of increasing funding for the Office of the Commissioner of Official Languages*. As well, the Public Accounts Committee released a number of reports related to its examination of the December 2000 Report of the Auditor General of Canada and a number of committees studied and reported back to the House on the departmental votes in the Main Estimates relating to their respective mandates.

Due to the resignations of several Members of Parliament, including some Cabinet Ministers, the ensuing Cabinet shuffle and the shifting of Members of the independent Democratic Representative Caucus back into the folds of the Canadian Alliance, a number of changes took place in the memberships of Committees and several elections were held for Committee Chairs. The new Chairs include: **Sue Barnes** – Finance (replacing **Maurizio Bevilacqua**, who was named Secretary of State (Science, Research and Development)); **Jean Augustine** – Foreign Affairs and International Trade (replacing **Bill Graham**, who was named Minister of Foreign Affairs); **Walt Lastewka** – Industry, Science; Technology (replacing **Susan Whelan** who was named Minister for International Cooperation); **Wayne Easter** – Liaison Committee (replacing **Bill Graham**) and **Carolyn Bennett** – Standing Joint Committee on the Library of Parliament.

The Standing Committee on Procedure and House Affairs also had a number of membership changes. New members **Rick Borotsik** (PC) and **Garry Breitkreuz** (CA) replaced outgoing members **Jay Hill** (CA, formerly PC/DR) and **Cheryl Gallant** (CA). Several changes also

occurred to the membership of the House's Board of Internal Economy. **Ralph Goodale**, the new Government House Leader replaced **Don Boudria** who was named Minister of Public Works and **Dale Johnston** (CA), the new Chief Opposition Whip replaced **Richard Harris** (CA) who formerly held that position.

Legislation

While a number of bills have made their way through the legislative approval process, the Government has faced a difficult road with regard to its legislative agenda within its own caucus as well as with the opposition. Among those legislative initiatives that have met with more resistance, both from the Liberal backbench and opposition parties is the controversial Bill C-42, the *Public Safety Act*. Due to internal pressures as well as wide-spread public concerns, the Government withdrew the bill and introduced a new public safety legislative package, Bill C-55; however opposition critics continue to voice their concerns about the powers that would be granted under the Act.

Other bills that have been subject to much opposition, include Bill C-15A, the *Criminal Code Amendment Act* and its sister bill, C-15B, *An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act*. These two bills were originally packaged as one, but last fall the House passed a motion directing the Standing Committee on Justice and Human Rights to split Bill C-15 into two separate bills. Bill C-15A was returned to the Senate with amendments on April 23rd while Bill C-15B has spurred a backbench revolt amongst rural Liberal MPs who are calling for changes to the animal cruelty provisions. The Liberal's rural caucus formed an informal alliance with

opposition members to call for a clause that would protect farmers, ranchers, hunters and anglers from being taken to court by animal-rights activists for such traditional practices as castrating cattle. The 45-member caucus exerted enough influence to persuade Justice Minister **Martin Cauchon** to take a second look at the legislation.

For the first time since it came to power in 1993, the Liberal Government had to back down on plans to close down debate on a bill through the use of time allocation. The Government House Leader served notice of a motion for time allocation on Bill C-5, the *Species at Risk Act*, and subsequently did not rise to put the motion forward the next time the bill was debated. The proposed legislation has come under sharp criticism from a wide range of special interest groups, from the rural MPs who fear it will diminish their property rights to several Liberal backbenchers who side with environmentalists in asserting that the bill is ineffective. This is the fourth attempt by the Government to bring in legislation to protect endangered species.

Private Members' Business

In addition to the Mace incident and the furor raised in the House by **Keith Martin** with regards to his Private Member's Bill on the non-medical use of marijuana, other Members have signalled their discontent over the manner in which Private Members' Business is handled. On March 18th, **Mauril Bélanger**, (Lib.) argued that his privileges as a Parliamentarian had been breached. He took exception to the decision of the Standing Committee on Procedure and House Affairs to select only four items of Private Members' Business as votable when it could have selected nine items. In his ruling on the mat-

ter, the Speaker stated that while the case raised by the Member could not be considered a question of privilege, it was a serious procedural matter that had been begging for a solution for some time. He stated that, in view of the frustration reflected by the Member in the name of several other Members, the Government House Leader should attempt to ensure the resolution of these issues to the satisfaction of all Members. Since that time the Standing Committee on Procedure and House Affairs has held hearings aimed at reforming Private Members' Business.

Other Matters

On Wednesday, February 6th, tributes were paid in recognition of the 50th anniversary of the accession to the throne of Her Majesty Queen Elizabeth II. On Monday, February 18th, at the beginning of the sitting, the Speaker expressed condolences on behalf of all Members for the death of Her Royal Highness, Princess Margaret and the House rose for a moment of silence in her memory. The same day **John Harvard** (Lib.) paid tribute to the memory of **Horace "Bud" Olson**, (Lib), a former Member of the House of Commons and Cabinet Minister. The House also commemorated the six-month anniversary of the tragic events of September 11th, with a one-minute period of silence in memory of the victims and rescue-workers that lost their lives in the wake of the terrorist attack. On Tuesday, April 9th, the House rose for a minute of silence in honour of the memory of Her Majesty Queen Elizabeth, the Queen Mother. The sitting of the House was suspended that day for several hours to allow Members to attend a memorial service in her honour. The House also paid tribute on April 18th to the four Canadian soldiers who died and the

eight who were injured following the accident near Kandahar in Afghanistan.

Tributes were paid to **Preston Manning** (CA) on January 31st on the occasion of his departure from the House of Commons and on February 1st the Speaker informed the House that a vacancy had occurred in the riding of Calgary Southwest, by reason of the resignation. The Speaker announced two other vacancies on April 8th following the resignations of **George Baker** (Lib.) and **Raymond Lavigne** (Lib.). Both were appointed to the Senate. By-elections were to be held in May in these three ridings as well as in the ridings left vacant previously by **Brian Tobin**, **Alfonso Gagliano**, **Herb Gray** and **Ron Duhamel**.

Special tribute was paid to one of the country's longest serving Members of Parliament, **Herb Gray** on March 13th. The former Deputy Prime Minister held his seat of Windsor West for almost 40 years, having first been elected in 1962. Following a motion by the Government House Leader, which was endorsed by all parties, Mr. Gray was invited to sit at the Bar of the House to hear tributes paid to him by all party leaders. He then made a short address and was warmly thanked by the Speaker. This was the first time an individual, who did not hold a seat in the House at the time, was invited to sit inside the Bar on the floor of the House for such a ceremony.

A series of tributes were also paid to the athletes who participated in the 2002 Winter Olympic and Paralympic Games held in Salt Lake City (USA). On February 25th tributes was paid to the Olympic athletes. This was followed on March 18th by tributes for the Paralympic athletes and on April 15th the House resolved itself into Committee of the Whole to receive and introduce

both groups of athletes on the floor of the Chamber.

Also of note was the commemoration on April 17th, of the 20th anniversary of the *Canadian Charter of Rights and Freedoms*. The occasion was marked by speeches by the Prime Minister and representatives of all the opposition parties.

On April 16th the new Auditor General of Canada, **Sheila Fraser**, released her 2002 Report raising a number of concerns related to government management and spending. One of the issues related to the fact that departments are paying millions of dollars in grants prior to receiving Parliamentary authorization. Parliament has given authority to the Treasury Board to supplement departmental votes and make "miscellaneous minor and unforeseen expenses not otherwise provided for" through the Contingencies Vote. The Auditor General questioned whether some of the grant payments made with this interim authority were miscellaneous, minor, and unforeseen. She also raised concerns about payment authority and suggested that Parliament examine the wording of the Contingencies Vote to ensure that its intentions for the use of these funds are being met.

Nancy Hall

Procedural Clerk
Table Research Branch
House Proceedings Directorate



On March 12, 2002, **Louise Harel** was elected President of the

National Assembly by secret ballot. This was the second time the Assembly used the secret ballot procedure. Only one round was required for Mrs. Harel to obtain the majority of votes.

Mrs. Harel is the first woman and the fifty-third person to hold this office since 1792. The Member for Hochelaga-Maisonneuve was elected for the first time in 1981, and subsequently reelected in 1985, 1989, 1994 and 1998. She has held several ministerial and parliamentary offices, particularly as Minister of State for Municipal Affairs and Greater Montreal, Minister of State for Employment and Solidarity, Minister of Income Security, and Minister responsible for Immigration and Cultural Communities.

Mrs. Harel thus succeeds **Jean-Pierre Charbonneau**, who, on 30 January 2002, resigned from his office in order to join the Cabinet.

François Beaulne was elected Second Vice-President at the sitting. Mr. Beaulne thus joins incumbent vice-presidents **Raymond Brouillet** and **Michel Bissonnet**.

Second Centenary of the Library of the National Assembly

It was on March 10, 1802 that the Quebec Members established their first library. On that day, the Members adopted a resolution entrusting the administration of the collection to the Clerk of the House of Assembly, **Samuel Phillips**.

This anniversary constitutes a unique occasion to focus the population's attention on the history of Quebec parliamentarism and of the Library. By the same token, it provides an opportunity to mark the work performed by the past and current members of the Library staff, which contributes on a daily basis to the quality of the debates by meeting the information and documentation requirements of Mem-

bers, the employees of the Assembly, the Press Gallery journalists and researchers, while contributing to the extension of the Library's influence and to the promotion of our documentary heritage.

Several activities and special publications mark this second centenary. First, the Library opened, in its newly renovated quarters, an exhibition on the persons who have been responsible for the Library throughout its existence. Furthermore, four conferences and seminars have been organized on the following themes:

- April 9, 2002: Conference on assistance to parliamentary libraries in developing countries
- May 16, 2002: Conference on the history of the Library
- September 24, 2002: Seminar on the history of parliamentary libraries
- October 31, 2002: Conference on the Library and Members

Furthermore, on September 22 and 23, 2002, the Library of the National Assembly will be hosting the conference of the Association of Parliamentary Librarians in Canada.

For further information, please refer to the article entitled "Bicentennial of the Quebec National Assembly Library" in this issue of the *Canadian Parliamentary Review*.

By-elections

On April 15, 2002, by-elections were held in three electoral divisions. **Anna Mancuso** and **Lise Thériault**, both of the Quebec Liberal Party, were elected as Members in the ridings of Viger and Anjou, respectively, while in the Saguenay riding, **François Corriveau**, of the Action démocratique du Québec Party won the election.

The party standings of the National Assembly are now as follows: 69 Members of the Parti Québécois;

51 Members of the Quebec Liberal Party; and 2 Independent Members (Action démocratique du Québec Party); for a total of 122 seats. Three seats remain vacant.

New Version of the Internet site

In March 2002, the National Assembly launched a new version of its Internet site. This new site, in addition to providing a substantially enriched content, now displays a more detailed format as well as a new navigation bar enabling the user to quickly find the most important sections of the site. Close to one million visits to the site are expected this year, in comparison with 712,891 in 2000-2001. The Internet address of the National Assembly is www.assnat.qc.ca.

Claudie St-Hilaire
Secretariat of the Assembly

Standing Committees

As mentioned in the previous issue of the Review, several standing committees were required to hold elections in order to fill the vacancies resulting from the Cabinet shuffle of last January.

Chairmen

Jean-Guy Paré, the Member for Lotbinière, was elected chairman of the Committee on Public Finance. Mr. Paré replaces the Member for Drummond, **Normand Jutras**, who was appointed to Cabinet.

As regards the Committee on Culture, the Member for Champlain, **Yves Beaumier**, was elected chairman in replacement of **Jean-François Simard**, the Member for Montmorency, who, after having held this office for ten months, was in turn appointed as Minister.

Léandre Dion, the Member for Saint-Hyacinthe, was named chair-

man of the Committee on Agriculture, Fisheries and Food following the appointment of the Member for Marie-Victorin, **Cécile Vermette**, as Deputy Government House Leader. Mrs. Vermette had been chairman of this Committee since November 2000.

Claude Lachance, the Member for Bellechasse, was elected chairman of the Committee on Institutions, thus replacing **Roger Bertrand**, the Member for Portneuf, who was appointed to the Cabinet after having been chairman of the Committee for close to three years.

Finally, the Member for Saint-Maurice, **Claude Pinard**, was selected to chair the Committee on Transportation and the Environment, in replacement of **Claude Lachance**, who had been chairman of this Committee since March 1999.

Vice-chairmen

Denise Carrier-Perreault, the Member for Les Chutes-de-la-Chaudière, was elected vice-chairman of the Committee on Social Affairs, replacing **Yves Beaumier**.

The members of the Committee on Education elected the Member for Saint-Jean, **Roger Paquin**, as their new vice-chairman, **Serge Geoffrion**, the Member for La Prairie, having left this office to chair the Parti Québécois caucus.

Consideration of the Estimates

As is customary each year, the committee members examined the estimates of expenditure for 2002-2003. Between April 10 and 30, the Assembly thus only took Routine Proceedings in order to allow this important annual exercise to be carried out, an exercise which takes up some two hundred hours of the committees' work schedule.

Other Committee Work

In February, the Committee on Social Affairs held a general consultation on the draft bill entitled *Quebec Health Card Act*. This draft bill proposes that a chip card, to be called "health card", replace the health insurance card presently issued by the Régie de l'assurance-maladie du Québec. This new card would make it possible to identify and authenticate the card holder, but would also provide his personal medical summary.

The Committee received 49 briefs and heard 42 individuals and organizations within the framework of this general consultation. Health care providers, users, public protection organizations (Commission d'accès à l'information, Public Protector, etc.), computer specialists and health care facility directors came before the Committee members to give their opinion on this matter.

During recent months, the Committee on Public Finance carried out orders of initiative on the following subjects: the protection of investors in Quebec, responsible investment and the parliamentary control of regulations. An interesting fact to be noted is that, in order to ensure a certain degree of flexibility in the organization of its proceedings, the Committee decided to appoint three working committees responsible for, among other matters, identifying mandates and preparing an action plan for each, which plan is subsequently submitted to the Committee in a deliberative meeting. These committees are composed of the chairman, a Government Member, an Official Opposition Member, the clerk of the Committee and, in two of the three committees, a researcher from the Documentary Studies Directorate.

In compliance with the provisions of the *Act respecting educational*

institutions at the university level, the Committee on Education heard, in March and April 2002, the 19 head officers of educational institutions at the university level on their 1999-2000 annual reports. During these hearings, the Members examined particularly the performance agreements and the first follow-up reports stemming therefrom as well as the issue concerning university research.

Denise Léonard

Committees Secretariat

Translated by **Sylvia Ford**
Secretariat of the Assembly



Alberta

The Spring Sitting of the Second Session of the Twenty-Fifth Legislature adjourned on May 14, 2002 after 37 sitting days. At the conclusion of the sitting, 28 Government Bills, 3 Private Members' Public Bills and 1 Private Bill were passed by the Assembly. Three Government Bills were left on the Order Paper.

The second session began on February 26, 2002 with the Speech from the Throne, delivered by Alberta's Lieutenant Governor, **Lois Hole**. It began with a moment of silence to mark the passing of **Princess Margaret** and former Lieutenant Governor **H.A. (Bud) Olson** and an expression of support and appreciation for the armed forces serving in Afghanistan. The speech focused on

initiatives to enhance the health, education and economy of the province.

Some of the Bills passed during the spring sitting include:

- Bill 9, *Child Welfare Amendment Act 2002*, introduced by Children's Services Minister **Iris Evans**, amends the current legislation to facilitate the inter-provincial movement of children with child welfare involvement and streamlines the process for obtaining emergency apprehension orders;
- Bill 12, *Education Services Settlement Act*, introduced by Learning Minister **Lyle Oberg**, establishes a three person Arbitration Panel, with one member appointed by the Alberta Teachers' Association, one by the Alberta School Boards Association with the Chair appointed by the Minister of Human Resources and Employment, to settle a breakdown in negotiations for a new collective agreement between teachers and several school boards;
- Bill 20, *Justice Statutes Amendment Act, 2002*, introduced by Minister of Justice **David Hancock**, amends several statutes including the *Fatal Accidents Act* to provide for increased entitlements for surviving adults and children – the *Survival of Actions Act* is also amended to bring Alberta in line with other western Canadian jurisdictions by restricting compensation to a deceased's estate to actual financial losses resulting from death, not for future or anticipated losses;
- Bill 26, *Workers' Compensation Amendment Act, 2002*, introduced by Human Resources and Employment Minister **Clint Dunford**, amends the Act by, among other things, ensuring the independence of the WCB Appeals Commission by separating it from the WCB, providing that Appeals Commission staff will no longer be WCB employees and creating a medical panel to resolve differences in medical opinion that affect a worker's claim;
- Bill 29, *Intestate Succession Amendment Act, 2002*, introduced by Minister of Justice **David Hancock**, provides for the right of an "adult interdependent partner", defined as "a person in a common law or same sex relationship of at least three years or where there is a child of the relationship", to share in the estate of that person's partner should the partner die without a will. Bill 29 was introduced in response to an Alberta Court of Queen's Bench ruling that struck down the parts of the *Intestate Succession Act* as unconstitutional.
- Bill 30, *Adult Interdependent Relationships Act*, was introduced by Attorney General and Government House Leader **David Hancock** just prior to the adjournment of the Spring Sitting and has been held over for further consideration in the fall. The Bill amends several Alberta Acts that set out financial and property benefits and responsibilities for people in non-married relationships that involve economic and emotional dependency. The Bill covers a range of personal relationships that fall outside the traditional institution of marriage, including platonic relationships where two people agree to share emotional and economic responsibilities, common law or same sex relationships of not less than three years and relationships of some permanence where there is a child of the relationship.

Budget 2002

On March 19, 2002, Minister of Finance **Patricia Nelson** presented the Budget and estimates for the 2002-03 fiscal year. The Budget Speech noted the challenges faced by the province due to the dramatic drop in the price of oil and gas and the economic uncertainty caused by the events of September 11. She reaffirmed the Government's commitment to balancing the provincial budget while maintaining funding in priority areas. The Budget in-

creases the base budget for the Department of Health and Wellness by \$468 million to \$6.8 billion, an increase of 7.3 per cent. The Department of Learning also received an increase in its budget of 4.7 per cent to \$4.7 billion, while the Department of Children's Services received an increase of \$675 million – an increase of 4.2 per cent. The Minister projected total revenues of \$20 billion for 2002-03, a decline of \$1.7 billion or 5.6 per cent from 2001-02. Expenditures were projected to be \$19.2 billion, a reduction of \$1.7 billion or 8.1 per cent from the previous fiscal year. Revenue from natural resources is expected to decline 37 per cent from last year.

Private Members' Public Bills

Three Private Members' Bills were passed during the Spring Sitting. They were:

- Bill 202, *Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act*, sponsored by **Mary Anne Jablonski** (PC, Red Deer North), allows a Director appointed under the Act to immediately direct a person responsible for a polluting substance to restore the area affected by the release of the substance to the Director's satisfaction;
- Bill 205, *School Trustee Statutes Amendment Act, 2002*, sponsored by **Mary O'Neill** (PC, St. Albert), disqualifies employees of school boards, charter schools or private schools from election as school board trustees, unless on a leave of absence, and strengthens the disclosure requirements for trustees of pecuniary interests.
- Bill 206, *Fisheries (Alberta) Amendment Act, 2002*, introduced by **Ray Danyluk** (PC, Lac La Biche-St. Paul), allows the Minister responsible to order any measures deemed necessary to reduce the number of bird or animal species which are harming, or have the potential to harm, fish or fish habitat.

Privilege

Brian Mason (ND, Edmonton-Highlands), raised a purported question of privilege on March 11 alleging that Premier Klein had misled the Assembly by stating that Bill 12 was not a punitive action against Alberta teachers. He alleged that this statement was misleading in light of his reading of the provisions of the Bill. On March 12, Speaker Kowalski ruled that the provisions of the Bill were open to various subjective interpretations, that the matter was best characterized as a disagreement among members of the Assembly, and accordingly, there was no *prima facie* question of privilege.

On March 14, Mr. Mason again rose on a purported question of privilege. He alleged that the Leader of the Official Opposition, in nominating two members to the Electoral Boundaries Commission, had failed to consult with the leader of the third party New Democrats as required by the *Electoral Boundaries Commission Act*. In accordance with the Act, the Speaker appointed four members to the Commission on March 14. Dr. **Ken Nicol**, Leader of the Official Opposition, confirmed that he did not consult with the third party based on his interpretation of the statute.

In his March 18 ruling, Speaker Kowalski noted that while the nomination and appointment of the members of the Commission involves certain actors in the Assembly, it does not involve the Assembly itself. Therefore, while a very serious issue, the failure of the Leader of the Opposition to meet his statutory obligation to consult the Leader of the third party did not constitute a *prima facie* question of privilege. In the interests of fairness and compliance with the statutory requirements he declared the appointments of Official Opposition's

nominees a nullity. Ultimately the same two individuals were nominated by the Leader of the Official Opposition after consultation with the Leader of the third party.

Official Opposition House Leader, **Debby Carlson** (Liberal, Edmonton-Ellerslie), raised a purported point of privilege on March 19, alleging that Solicitor General, **Heather Forsyth**, had deliberately misled the House in a series of answers to questions posed to her in the Assembly. Ms Carlson alleged that the answers, concerning the classification and reporting requirements for sexual offenders on probation, were contradictory and at odds with the policy manual of the Solicitor General's own department. In response, the Minister indicated that it was not her intention to deliberately mislead the Assembly. She went on to clarify the responses she had made to the questions at issue. On March 20, Speaker Kowalski ruled that while there was an inconsistency in the Minister's statements, there was not a *prima facie* question of privilege. He noted that it would be difficult for him to conclude that a contempt of the House arose every time a Minister misstates departmental policy.

On April 11, Ms Carlson again rose on a purported point of privilege, contending that the Minister of Finance Patricia Nelson and Premier Klein were in contempt of the Assembly by allegedly not complying with the Financial Administration Act with respect to certain supposed financial arrangements involving the Swan Hills waste treatment plant. The Government argued that the provisions in question were never triggered. In his April 16 ruling, Speaker Kowalski stated that for there to be a *prima facie* question of privilege there had to be some link to the proceedings of the Assembly which demonstrates

how a member's rights were interfered with, and that such a link had not been demonstrated. He went on to indicate that he was being asked to give a legal interpretation of the *Financial Administration Act* which was not the role of the Chair. Accordingly, he ruled that there was not a *prima facie* question of privilege.

On April 15, **Hugh MacDonald** (Liberal, Edmonton-Gold Bar) raised a purported question of privilege based on the refusal of his request to access Hansard's audio tapes of proceedings of the Assembly in order to determine whether a particular interjection had been made by another Member. Mr. MacDonald stated that he had been told that requests for access to audio recordings would only be granted in relation to his own comments in the Assembly and not those of another Member. The second basis of the purported question of privilege related to the accuracy of Hansard in relation to proceedings. Mr. MacDonald stated that an interjection of another Member, which he clearly heard in the Assembly, had not been recorded in Hansard.

Speaker Kowalski ruled that there was no *prima facie* question of privilege and characterized the purported question of privilege as a matter related to the administration of the Assembly. He noted that the purpose of the recordings is to facilitate the publication of Hansard. He restated the rule that no Member can listen to another Member's remarks without the authorization of the Speaker and that this authorization would only be granted in the most exceptional of circumstances. He pointed out that the policy was not a new one, and had been in place for nearly three decades. Concerning the accuracy of Hansard, Speaker Kowalski indicated that it is a well-established principle that Hansard does not report injections

unless they elicit a response from a person recognized by the Chair.

Deputy Premier and Minister of Agriculture, Food and Rural Development **Shirley McClellan** raised a purported question of privilege on April 15 concerning certain comments attributed to her during Question Period by the Leader of the Official Opposition, Dr. Ken Nicol. He asked her about certain "off-mike" comments he alleged she made about the Calgary Catholic School Board. Mrs. McClellan emphatically denied making the statement. Speaker Kowalski ruled on April 17 and found that Dr. Nicol's question, while a violation of the Standing Orders of the Assembly, did not constitute a *prima facie* question of privilege. At the Speaker's invitation, Dr. Nicol apologized and withdrew the comments.

Other Matters

Speaker Kowalski hosted a ceremony recognizing the Muslim Festival of Eid-ul-Adha in the Rotunda of the Alberta Legislature Building on Tuesday March 5, 2002. Eid-ul-Adha means "Festival of Sacrifice", and is celebrated by Muslims worldwide.

On Monday March 18, 2002, **Prince Michael** of Kent (KVCO), a cousin of the Queen, addressed the Members of the Legislative Assembly from the floor of the Chamber as part of the Golden Jubilee celebration of Queen Elizabeth II's ascension to the throne. Members gave their unanimous consent for Prince Michael to address the Assembly.

The same day Speaker Kowalski hosted a ceremony in honour of Alberta's Francophone community. Joining the Speaker at the ceremony were Dr. Nicol, Leader of the Official Opposition, **Raj Pannu**, Leader of the New Democrat Opposition,

Denis Ducharme, (P.C. Bonnyville-Cold Lake) Chair of the Francophone Secretariat, and **Ernest Chauvet**, President of L'Association Canadienne-Francaise de L'Alberta.

Upon the recommendation of the Standing Committee on Legislative Offices and a resolution of the Assembly, **Brian Fjeldheim** was reappointed Chief Electoral Officer of Alberta and **Robert Clark** was reappointed as Alberta's Ethics Commissioner.

Based on resolutions of the Assembly concurring in the reports of the Select Special Auditor General and Information and Privacy Commissioner Search Committee, chaired by **Janis Tarchuk** (P.C. Banff-Cochrane), **Frederick James Dunn**, CA, was appointed Auditor General effective June 1, 2002 and **Frank Work** was appointed Information and Privacy Commissioner.

By-election

Doug Griffiths, (P.C.) won the by-election for the constituency of Wainwright held April 8, 2002 and was sworn in as a Member of the Legislative Assembly on April 29, 2002. Mr. Griffiths is the youngest MLA currently in the Assembly at 29 years of age.

Robert Reynolds
Senior Parliamentary Counsel



Senate

Although there was considerable debate in the Senate on a num-

ber of bills during the spring of 2002, it was clearly the reports of Senate committees that captured the attention of the senators. One committee in particular, the Standing Senate Committee on National Security and Defence chaired by Senator **Colin Kenny** took on an added importance. Since the terrorist attacks on September 11, its study to survey the major security and defence issues facing Canada could not have been more timely. When the committee's report "Canadian Security and Military Preparedness", was tabled in the Senate on March 5, it highlighted the need for increased port security and recommended a substantial increase in the defence budget.

Committees

The National Security and Defence Committee was only one of many committees that were active. The Social Affairs, Science and Technology Committee chaired by Senator **Michael Kirby** tabled Volumes Two, Three and Five of a series of reports on its continuing study of the role of the federal government in health care. Volume Two examined predictable changes within the health care system and Volume Three reviewed health care in other countries. Part 1 of Volume Five outlined 20 principles for restructuring the publicly funded hospital and doctor system. One of the committee's key recommendations called for limits on hospital waiting times. The next stage of its study will include hearings which will focus on how to implement the principles contained in this report. Volume Four, which had been tabled in September 2001, used information from Volumes Two and Three as the basis for public consultations conducted across Canada last fall. Coincidentally, the release of Volumes Two and Three hap-

pened at the same time as the publication of the interim report of the Commission on the Future of Health Care in Canada, headed by **Roy Romanow**.

The Senate adopted the Seventh Report of the Standing Committee on Rules, Procedures and the Rights of Parliament which recommended amendments to the *Parliament of Canada Act* and to the *Rules of the Senate* that would allow for the recognition of other political parties in the Senate. This came about after a Speaker's ruling on a question of privilege raised by Senator **Gerry St. Germain** about the designation of the Leader of the Opposition in the Senate and a request that followed from the Senate for this committee to study the subject of opposition parties.

The Official Languages tabled four reports: The Sixth concerned a resolution adopted by that committee asking for a financial contribution from the federal government to help New Brunswick translate its municipal bylaws; the Seventh Report entitled *Air Canada: Good intentions are not enough* made 16 recommendations concerning the service provided by Air Canada in both official languages; the Eighth gave an account of its consultation with the English and French linguistic minority communities of Canada; and the Tenth concerned a resolution requesting the government to increase funding for the Office of the Commission of Official Languages.

The Standing Joint Committee for the Scrutiny of Regulations tabled its Fifth Report on February 7 which drew the attention of the Senate and the House of Commons to the *Assessor's Rules of Procedures* and their application, in particular, to the *Pesticide Residue Compensation Act*. As well, the Fisheries Committee summarized a series of informal meetings held in Manitoba,

Nunavut, the Northwest Territories and Nunavik in its Fifth report entitled *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled on February 19.

The National Finance Committee presented three reports on its consideration of the Estimates 2002-2003 and tabled a report on a special study entitled *The Effectiveness of and Possible Improvements to the Present Equalization Policy*. After extensive debate on its consideration, the Senate adopted the Ninth Report of National Finance. This report which dealt with the committee's examination of the role of government in the financing of deferred maintenance costs in Canada's post-secondary institutions contained seven recommendations.

The Senate approved two reports from the Internal Economy, Budgets and Administration Committee. One concerned the release of funds to Senate committees for this fiscal year and the other recommended a salary increase for unrepresented employees of the Senate.

Speaker's Rulings

On December 11, 2001, Senator **John Lynch-Staunton**, Leader of the Opposition, raised a point of order to object to the way briefing material was put together by the Department of Transport for the use of the Senate Transport Committee during its consideration of Bill C-44, *An Act to amend the Aeronautics Act*. He complained that the Department of Transport, in anticipating second reading of the bill, had prepared its documents improperly and inadequately. Senator Lynch-Staunton maintained that the department's cavalier behaviour undermined the importance of the Senate and, if allowed to continue unchecked, might push the Senate down the "slippery slope to irrelevance". In his decision on Feb-

ruary 5, the Speaker agreed that the department had been careless in the preparation of its briefing material but it would be the responsibility of the committee, and not the Speaker, to raise a complaint with department officials.

Senator **Anne Cools** rose on a question of privilege on March 14. It seemed to her that remarks made by another senator during debate on Bill S-9, *An Act to remove certain doubts regarding the meaning of marriage* about a B.C. Supreme Court Judge were disrespectful and offensive and constituted a breach of parliamentary privilege. On March 19, the Speaker ruled that Senator Cools' objection was more in the nature of a point of order and did not form a question of privilege.

The Speaker also ruled on a point of order raised by Senator Cools on May 2 in connection with Bill S-20, *An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions*. Senator Cools asserted that it was improper for debate on the bill to proceed with second reading, since Royal Consent had not yet been signified. Furthermore, she questioned the process of obtaining the Royal Consent by the sponsor of the bill, Senator **Terry Stratton**, a private member from the opposition. In his ruling on May 7, the Speaker noted that modern practice allowed private members greater scope in legislative matters and described other ways used by parliamentarians in the United Kingdom to obtain Royal Consent. It was his opinion that the decision of whether to follow the example of the United Kingdom rested with Senator Stratton. The Speaker concluded there was no valid point of order and allowed the debate to continue.

Royal Assent

Twelve bills received Royal Assent but the enactment of two of these, Bill S-14 and Bill S-22, was notable because they were sponsored by private members and not by the government. Bill S-14, *Sir John A. Macdonald Day and the Sir Wilfrid Laurier Day Act*, sponsored by Senator Lynch-Staunton, proposed the designation of January 11 as "Sir John A. Macdonald Day" and November 20 as "Sir Wilfrid Laurier Day" to honour these extraordinary Prime Ministers. Senator **Lowell Murray's** Bill S-22, *An Act to provide for the recognition of the Canadian horse as the national horse of Canada*, was the subject of interesting discussion on the symbolic significance of this horse and the role it played in the nation's history.

Her Excellency the Governor General, **Adrienne Clarkson**, presided over Royal Assent on March 21 in a ceremony that was broadcast on television.

Milestones

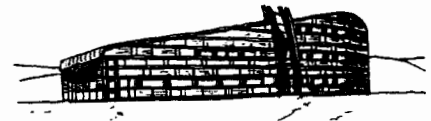
There are certain occasions of historical significance and importance which require formal recognition by the Senate. Certainly, the death of an immediate member of the Royal Family is an event that demands an appropriate expression of condolence. On April 16, the first sitting day following the death of Her Majesty The Queen Mother on March 30, the Senate paid tribute to the Dowager Queen and adopted a formal motion of sympathy to Her Majesty Queen Elizabeth II.

The 20th anniversary of the patriation of the Constitution and the proclamation of the *Charter of Rights and Freedoms* was a much happier occasion. Several senators participated in a vigorous debate on a motion passed on April 17 commemorating the event.

Three new senators, all of them sitting Members of Parliament, were sworn in: **Ronald J. Duhamel** on February 5 and **George Baker** and **Raymond Lavigne** on April 16.

Tributes were paid to Senator **Sheila Finestone** who retired on January 28 and to Senator **Lois Wilson** who retired on April 8 as well as to former senators **Heath Macquarrie** who died on January 2, **Melvin Perry (Poirier)** who died on January 25, **Bud Olson** who died on February 14 and **Finlay MacDonald** who died on March 2.

Mary Mussell
Senate Journals



Nunavut

The year 2002 began busily for the First Legislative Assembly with a number of its Standing Committees holding public meetings in which independent officers appeared to present their annual reports and answer questions from Members.

The Information and Privacy Commissioner of Nunavut appeared before the Standing Committee on Government Operations and Services, chaired by **Hunter Akat Tootoo**, MLA for Iqaluit Centre. The Languages Commissioner appeared before the Standing Committee Ajauqtiit, chaired by **David Iqaqrialu**, MLA for Uqqummiut. Both Standing Committee Chairs tabled reports during the Fifth Session on these appearances. Under the Rules of the Legislative Assem-

bly, the Government has 120 days in which to provide comprehensive responses to the reports.

The Auditor General of Canada, **Sheila Fraser** also appeared before the Standing Committee on Government Operations and Services in early February. She presented her first Report to the Legislative Assembly. The Auditor General of Canada is the auditor for Canada's three Northern territories. Committee Members also spent more than a day posing questions to a number of Deputy Ministers and other senior Government of Nunavut officials concerning the observations and recommendations contained in the Auditor General's report. The Standing Committee Chair tabled the Committee's report during the Fifth Session.

The Fifth Session reconvened in Iqaluit on February 20, and prorogued on March 6. A major piece of legislation considered and passed during this time was the new *Legislative Assembly and Executive Council Act*, which enjoyed unanimous support by Members.

The motion for first reading of the Bill was made by House Leader **Kelvin Ng**, MLA for Cambridge Bay. During consideration of the Bill during Committee of the Whole, Chairman of the Legislative Assembly's Management and Services Board **Kevin O'Brien**, MLA for Arviat, appeared at the witness table and responded to questions from both Ministers and Regular MLAs.

The Special Committee to review the *Official Languages Act*, chaired by **Rebekah Uqi Williams**, MLA for Quttiktuq, tabled its Interim Report during the Fifth Session.

The Standing Committee on Community Empowerment and Sustainable Development, chaired by **Glenn McLean**, MLA for Baker Lake, recommended that Bills 16 and 17, which dealt with municipal

governance, be permitted to fall off the order paper, following a number of concerns raised by the Committee. The Committee recommended that the Government introduce revised legislation during the Sixth Session. The Bills fell off the Order Paper when the Session prorogued.

Statistics for the 5th Session include:

- 176 Ministers' Statements
- 503 Members' Statements
- 514 Oral Questions
- 14 Written Questions
- 7 Petitions
- 93 Tabled Documents
- 19 Reports of Standing and Special Committees
- 55 Sitting Days

The Sixth Session convened on March 7, with Commissioner **Peter Imiq** delivering the Opening Address. The House entered into a period of extended adjournment at the end of the sitting day. The 2002 Arctic Winter Games, which were co-hosted by Iqaluit and Nuuk, Greenland, took place from March 17-22.

Minister of Education **Peter Kilabuk**, MLA for Pangnirtung, introduced Bill 1, the proposed new *Education Act*, on March 7. The Bill received second reading on April 24, and was referred to the Standing Committee on Health and Education for review. The Committee, chaired by **Jobie Nutarak**, MLA for Tunnunuiq, has announced that it will hold public consultations on the Bill during the fall of this year. Another major legislative initiative currently underway by the Government is the development of a new *Wildlife Act*. This legislation falls under the jurisdiction of the Minister of Sustainable Development,

Olayuk Akesuk, MLA for South Baffin.

The Session reconvened on April 24, and sat until May 16. The Minister of Finance **Kelvin Ng**, delivered his fourth Budget Address on April 30. This year, the Minister's new kamiks (sealskin boots) came from the North Baffin community of Hall Beach. Among the initiatives announced in the Budget Address were cuts to the territory's personal and corporate income tax rates.

Because Nunavut has no permanent land links with southern Canada, the annual sealift during the summer and early fall is the primary means by which materials are transported in large quantities to the territory. Following a joint recommendation made by the Standing Committees in the spring of 2001 after the budget review, the Government introduced a modified estimates process in the fall of 2001. Now, the annual capital estimates are introduced during the fall Session to allow for adequate lead-time before the sealift. The main estimates for departmental operations and maintenance expenditures continue to accompany the annual Budget Address. Because of the adjournment to accommodate the Arctic Winter Games, an *Interim Appropriation Act* was passed prior to March 31 to enable the Government to operate into the new fiscal year.

As always, the budget session was dominated by the line-by-line scrutiny given to each department's estimates during proceedings of the Committee of the Whole. Another issue that arose during the Session was the topic of the quality of the gasoline supply in Nunavut. Minister of Public Works and Services **Peter Kattuk**, MLA for Sanikiluaq, appeared before the Committee of the Whole to respond to questions on this issue. A formal motion was passed by the Committee at the end

of the day on the issue. The motion was introduced by Mr. McLean.

A number of documents of note have been tabled during the Sixth Session, including the latest set of Public Accounts. The Speaker tabled the latest annual report by Nunavut's Integrity Commissioner, as well as a comprehensive list of statutory tabling requirements by Government departments, boards and agencies. The Minister responsible for the Nunavut Power Corporation, **Ed Picco**, MLA for Iqaluit East, tabled the *Ikuma II Report: Meeting Nunavut's Energy Needs*.

During the Sixth Session, **Goo Arlooktoo**, a former MLA in the Northwest Territories, and, for a period of time, the Premier, passed away suddenly at his home in Iqaluit. A number of tributes to Mr. Arlooktoo were made in the House. Mr. Arlooktoo was originally from the South Baffin community of Kimmirut.

Bills passed to date in 2002 are:

- *Technical Standards and Safety Act*
- *Supplementary Appropriation Act, No. 3, 2001-02*

- *Interim Appropriation Act, April 1-June 30, 2002*
- *Supplementary Retiring Allowances Act*
- *Legislative Assembly and Executive Council Act*
- *An Act to amend the Legislative Assembly Retiring Allowances Act*
- *Supplementary Appropriation Act, No. 4, 1999-2000*
- *Supplementary Appropriation Act, No. 3, 2000-01*
- *Supplementary Appropriation Act, No. 4, 2001-02*
- *Supplementary Appropriation Act (Capital) Act, No.1, 2002-03*
- *Appropriation Act, No. 2, 2002-03*
- *Loan Authorization Act, 2002-03*
- *An Act to amend the Revolving Funds Act*
- *An Act to amend the Property Assessment and Taxation Act*
- *An Act to amend the Legislative Assembly and Executive Council Act*
- *An Act to amend the Land Titles Act*

In early October of this year, Her Majesty Queen Elizabeth II will visit Iqaluit for the second time during her reign. She first visited Iqaluit (then known as Frobisher Bay) in 1970. She will be accompanied during her visit by the Governor General and the Prime Minister, and is expected to take part in ceremonial events in the Chamber.

The Sixth Session will reconvene on October 28, 2002, in Pangnirtung. The Pangnirtung sitting will mark the third time that the Assembly has sat outside of the capital. The Assembly will return to Iqaluit in mid-November, when anticipated items of House business will be the 2003-04 capital estimates, a new *Elections Act* and new legislation concerning municipal governance.

Further information on Nunavut is available at: www.assembly.nu.ca, www.gov.nu.ca and www.nunavutcourtofjustice.ca.

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