



Legislative Reports



Senate

In the weeks leading up to a lengthy adjournment it is not uncommon for the Senate to receive numerous bills from the House of Commons. During this period, the work of the Senate takes on an accelerated pace as efforts are made to accommodate the House without jeopardizing the constitutional role of the Senate to give proper and careful consideration to legislation. Such was the case in the weeks before the Senate adjourned for the summer on June 13 when twenty-three bills, at various stages in the legislative process, were debated on the floor of the Senate.

On June 4, **Adrienne Clarkson**, Governor General of Canada, granted Royal Assent to the following bills:

- C-15A, *An Act to amend the Criminal Code and to amend other Acts*
- S-40, *An Act to amend the Payment Clearing and Settlement Act*
- S-34, *An Act respecting Royal Assent to bills passed by the Houses of Parliament*
- C-23, *An Act to amend the Competition Act and the Competition Tribunal Act*

One of these bills was particularly significant because it made changes to the practice of Royal Assent. Bill

S-34, *An Act respecting Royal Assent to bills passed by the Houses of Parliament*, establishes an alternative procedure of Royal Assent, whereby a bill adopted by Parliament is made law through the approval of the Crown. In addition to the traditional ceremony that takes place in the Senate Chamber, it will now be possible to signify Royal Assent through a declaration of the Crown that will be announced in both the Senate and the House of Commons by their respective Speakers. Bill S-34 requires, however, that the traditional ceremony be followed at least twice each calendar year.

Other bills received Royal Assent on June 13:

- C-43, *An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act*
- C-10, *An Act respecting the national marine conservation areas of Canada*
- C-50, *An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization*
- S-41, *An Act to re-enact legislative instruments enacted in only one official language*
- C-59, *An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003*
- C-47, *An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores*
- C-27, *An Act respecting the long-term management of nuclear fuel waste*

On June 5, 2002, Senator **Gerry St. Germain** raised a question of privi-

lege with respect to Bill C-15B, a *Criminal Code* amendment dealing with cruelty to animals. His complaint had to do with a press release issued by Liberal MP **Murray Calder** which implied that a deal had been made with the Justice Minister to accept a Senate amendment to the bill. He felt that the Minister of Justice was giving the impression to the public that it was his decision, and not the Senate's, that would determine the outcome of amendments proposed in the Senate. This kind of political manipulation, Senator St. Germain contended, clearly undermined the legislative role and independence of the Senate.

In his ruling of June 11, 2002, Speaker **Dan Hays** did not find any basis for a *prima facie* question of privilege or contempt, though he did note his concern with the press release and the false impression given to the public that a House of Parliament could be manipulated by a minister.

While the consideration of legislation remained a top priority, there were also some motions of a more general nature that were agreed to before the summer adjournment. One of these marked the 250th anniversary of the *Halifax Gazette*, the first published newspaper in Canada. A number of senators took part in the debate on the motion before it was adopted on May 30. The fiftieth anniversary of the Queen's accession to the throne was the subject of another motion marking a celebratory event. Senators were unanimous in their support for a formal message of congratulations to Her

Majesty on the occasion of her Golden Jubilee, which was adopted on June 13.

Other motions were of a more serious nature. Many senators participated in debate on a motion to recognize the Armenian genocide and to designate April 24 as a day of remembrance. Another motion expressed concern about the violent events and threats to democracy in Colombia. Both were adopted on June 13.

Committees

Two reports on special studies were tabled in the Senate. On June 6, the Energy, the Environment and Natural Resources Committee tabled its Fifteenth Report entitled "The International Aspects of Nuclear Reactor Safety", the last of a two-part study on the issue of nuclear reactors. While concluding that Canada's nuclear reactors are among the safest in the world, the report also offered five recommendations to augment the current safety efforts in Canada. The Agriculture and Forestry Committee tabled an interim report entitled "Canadian Farmers at Risk" on June 13. The report contains 21 recommendations to guide the development of Canadian agriculture policy and to improve the future health of agriculture in Canada. The committee's final report is due by March of 2003.

On June 11, the Twelfth Report of the Rules, Procedures and the Rights of Parliament Committee was adopted by the Senate. This report recommended amendments to the Rules of the Senate that would implement the policy of the Senate as approved in its Seventh report with respect to the recognition of third parties in the Senate.

On May 30 the Standing Joint Committee for the Scrutiny of Regulations tabled its Sixth Report which dealt with aboriginal communal

fishing licenses regulations. On the same day, the Senate adopted the Ninth Report of the Official Languages Committee on its consideration of Privy Council Vote 35 in the Main Estimates 2002-2003.

Milestones

Tributes were paid to the memory of **Renaude Lapointe, P.C.**, former Speaker of the Senate, who died on May 11 and to Senator **Jim Tunney**, who retired on June 16 on reaching the age of 75.

Mary Mussell
Senate Journals



On 14 June last, the National Assembly adjourned its proceedings for the summer after having passed 37 public bills and 10 private bills. The following are among the more noteworthy bills adopted during the spring session:

- the *Act instituting civil unions and establishing new rules of filiation*, which creates an institution, the civil union, for couples of the opposite or the same sex who wish to make a public commitment to live together as a couple and to uphold the rights and obligations stemming from such status.
- the *Lobbying Transparency and Ethics Act*, whose purpose is to foster transparency in the lobbying of public office holders and to ensure that lobbying activities are properly conducted. A Lobbyists Commissioner will be appointed by the National Assembly to monitor and control the activities of lobbyists.
- the *Act to amend the Act respecting the Ministère des Relations internationales and other legislative*

provisions, which establishes a mechanism enabling the National Assembly to approve any important international commitment the Government intends to make either in respect of a Quebec international agreement or an international accord pertaining to a matter within the constitutional jurisdiction of Quebec.

- the *Act to amend the Charter of the French language*, which establishes the Office québécois de la langue française, whose mission is to define and conduct Quebec policy in the areas of linguistic officialization, terminology and the francization of the civil administration and enterprises.
- the *Act to ensure the implementation of the Agreement Concerning a new Relationship Between le Gouvernement du Québec and the Crees of Quebec*, which ensures the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Quebec, signed on 7 February 2002. The bill provides for the creation of the Cree Development Corporation, establishes the Cree-Quebec Forestry Board and provides for the formation of joint working groups for each Cree community affected by forest management activities in the Territory;
- the *Act to amend the Act respecting prescription drug insurance and other legislative provisions*, which introduces amendments to the funding of the basic prescription drug insurance plan. Furthermore, the bill establishes the Conseil du médicament, whose main functions will be to assist the Minister in updating the list of medications and to promote optimal use of medications.
- the *Act to amend the Professional Code and other legislative provisions as regards the health sector*, which establishes a new division in the fields of professional practice and activities reserved to persons working in the health sector;
- the *Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de*

l'Enfance, which mainly provides that the Minister may not issue a permit if there exists any impediment to its issue, that is, if the applicant or, in the case of a legal person, one of its directors has exhibited behaviour that poses a threat to the security of children or is charged with or has been convicted of an indictable or criminal offence connected with the aptitudes and conduct required to provide proper childcare;

- the *Act to impose restrictions on pig farming* whose purpose was to suspend, between May 1 and June 15, 2002, the issuance of certificates of authorization required under the *Environment Quality Act* with respect to pig farming.
- the *Act respecting the Quebec correctional system*, whose purpose is to establish the general principles that are to guide the actions of correctional services of the Ministère de la Sécurité publique, the Commission québécoise des libérations conditionnelles and their community-based partners as well as all other stakeholders of the correctional system as they exercise their respective functions.
- the *Act to amend the Act respecting the Ministère du Revenu and other legislative provisions as regards the protection of confidential information*, which gives greater precision to the provisions relating to the confidentiality of fiscal information and coordinates the application of those provisions and the provisions of the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

Standing Orders and Other Rules of Procedure

The amendments to the Standing Orders and Other Rules of Procedure with respect to the introduction and passage of a bill during the same sessional period, the motion introducing an exceptional procedure, extraordinary sittings and petitions, introduced on December 6, 2001, were extended on June 5 last

and will be in effect until December 21, 2002. Other amendments, concerning the election of the Speaker by secret ballot, were also carried on the same date and will be in effect for the duration of the 36th Legislature.

Resignations and By-elections

On May 14, 2002, **Gilles Baril** resigned as Member for Berthier. To fill this seat and those left vacant due to the resignations of Messrs. **Guy Chevrete**, **Jacques Brassard** and **David Cliche** last January, by-elections were held on June 17, 2002.

The by-election in the electoral division of Berthier was won by the representative of the Action démocratique du Québec, **Marie Grégoire**. Two other candidates of this party were elected in these by-elections: **Sylvie Lespérance** in Joliette and **François Gaudreau** in Vimont. For its part, the Parti Québécois kept the riding of Lac-Saint-Jean, in which **Stéphan Tremblay**, a former Bloc Québécois Member in Ottawa, was elected.

The party standings in the Assembly are now as follows: Parti Québécois, 69 Members; Quebec Liberal Party, 51 Members; Action démocratique du Québec, 5 Members. No seats are vacant.

Interparliamentary Relations

On July 5, 2002, the Speaker of the Quebec National Assembly, **Louise Harel**, became the first woman to chair the Parliamentary Assembly of the Francophonie. Mrs. Harel will hold this office for a term of one year, until July 2003. In addition to chairing the various institutions of the APF, she will represent this assembly among the various national and international bodies.

The proceedings of the 28th ordinary session of the APF took place in Bern, Switzerland, from 4 to 10

July last. On this occasion, a new organization, the Network of Women Parliamentarians of the Assemblée parlementaire de la Francophonie, was officially established. This network unites women parliamentarians representing three regions of the APF, Africa, Europe and America, and it is chaired by **Hélène Robert**, the Member for Deux-Montagnes.

Parliamentarism and Democracy

The Minister responsible for the Reform of Democratic Institutions, **Jean-Pierre Charbonneau**, announced the creation, last March, of a Secrétariat for the reforme of democratic institutions. On June 20, the Minister released a study paper entitled *Le pouvoir aux citoyens et aux citoyennes* on the basis of which he is to chair and conduct a consultative and informational tour throughout the province of Quebec during the summer and autumn of 2002. This tour will be followed by the estates general on the democratic governance of Quebec, in early 2003. The issues identified by the Government concern particularly the political system, the voting procedure, the place of regions, the role of Native nations in the governance of Quebec, the increased use of referendums, the place of women in politics and the extension of young people's right to vote.

Parliamentary Simulations

On May 17, the Assembly welcomed 110 6th grade elementary students who came together to take part in the sixth edition of the Student Parliament. These young parliamentarians, representing the main regions of Quebec, debated three bills they had drafted during the school year with the help of their teachers: the *Act obliging elementary schools to establish a recycling programme*, the *Act establishing an*

obligatory study period on national and international current affairs in the 3rd elementary cycle, and the Act obliging school boards to establish a study programme and visits in the workplace.

After having given clause-by-clause consideration to the bills in the standing committees, the young members finally gave their approval to two of these three bills, negating the Act establishing an obligatory study period on national and international current affairs in the 3rd elementary cycle.

Anne Deronzier

Secretariat of the National Assembly

Committees Report

Since the previous report in the Review standing committees have completed clause-by-clause consideration of 22 public bills and seven private bills. Among these, the following should be noted:

Bill 95, *An Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance*, whose purpose is to improve the security of children who attend childcare centres. It also provides that the Minister may not issue a permit if there exists any impediment to its issue, that is, if the applicant or, in the case of a legal person, one of its directors has exhibited behaviour that poses a threat to the security of children or is charged with or has been convicted of an indictable or criminal offence connected with the aptitudes and conduct required to provide proper childcare.

Bill 80, *Lobbying Transparency and Ethics Act*, whose purpose is to foster transparency in the lobbying of public office holders and to ensure that lobbying activities are properly conducted. A Lobbyists Commissioner will be appointed by the National Assembly to monitor and

control the activities of lobbyists. The Lobbyists Commissioner will also be responsible for drafting a code of conduct for lobbyists and for making inquiries and inspections with respect to any contravention of the provisions of the Act or the code of conduct.

Bill 98, *An Act to amend the Act respecting prescription drug insurance and other legislative provisions*, introduces amendments to the basic prescription drug insurance plan, particularly by modifying financial provisions pertaining to the determination of the premium, the deductible amount and the maximum contribution, to the coinsurance percentage and to the funding of the prescription drug insurance fund. This bill is the second to have been passed in the Assembly using the new exceptional legislative procedure that has been temporarily in effect since December 2001.

Bill 84, *An Act instituting civil unions and establishing new rules of filiation* is based on the general consultation, which was held by the Committee on Institutions last February, on the draft bill entitled *An Act instituting same-sex civil unions and amending the Civil Code and other legislative provisions*. The bill creates an institution, the civil union, for couples of the opposite or the same sex who wish to make a public commitment to live together as a couple and to uphold the rights and obligations stemming from such status. The new spouses will be permitted to enter into a contract establishing a civil union regime, governed by the same rules as those applicable to matrimonial regimes and marriage contracts.

The bill also amends the *Civil Code* to add new assisted procreation rules and clarify adoption rules as regards same-sex parents. Finally, it extends not only to civil union spouses but also to same-sex or traditional de facto spouses the

applicability of certain provisions that pertain to such matters as consenting to the care required by a person's state of health.

In recent months, the Committee on Labour and the Economy carried out an order of initiative on the issue of gasoline price variation and its impact on Quebec's economy. Last June 14, the Committee tabled in the Assembly its final report which contains seven recommendations. The Committee members recommend, among other measures, that the Government set aside a larger portion of its income from the gasoline tax for the upkeep and construction of Quebec's road infrastructure; that the Energy Board increase its financial and human resources and that this agency develop an expertise in Quebec with regard to knowledge of the petroleum products market; that the Government examine more closely the energy efficiency issue.

The Committee on Public Finance, for its part, within the framework of an order of initiative on ethical investment, has decided to hold a general consultation, in early September, based on a document prepared by the Committee entitled "Corporate social responsibility and ethical investment".

By order of the Assembly, several Committees will hold general consultations beginning at the end of the summer:

The Committee on Agriculture, Fisheries and Food will hold a general consultation on the draft bill entitled *An Act respecting commercial aquaculture*, whose object more particularly is to provide a framework for aquaculture carried on for commercial, research or experimentation purposes.

The Committee on Social Affairs, for its part, will hear the persons interested in Bill 112, *An Act to combat poverty and social exclusion*, whose main goal is to improve the eco-

conomic and social situation of persons and families living in poverty or social exclusion and to develop and reinforce the sense of solidarity and social cohesion throughout Quebec.

Finally, the Committee on Institutions will hold two general consultations. The first will have reference to a document entitled "Measures aiming to establish a new *Code of Civil Procedure* and containing a proposal with regard to the first two volumes of this Code". As regards the second consultation, the Committee will hold hearings on Bill 109 which establishes an observatory to be known as the *Observatoire québécois de la mondialisation*. The mission of the observatory is to further the understanding of the phenomenon of globalization and provide dependable information enabling the people of Québec to fully appreciate the issues at stake for the nation.

Furthermore, the Committee on Public Finance will hear some twenty agencies and businesses during a special consultation on Bill 107, *An Act respecting the Agence nationale d'encadrement du secteur financier*. The purpose of this Bill is to change the regulatory structure of Quebec's financial sector. It creates a single regulatory body, whose mission is to administer all the legislation governing the regulation of the financial sector, in particular in the fields of insurance, securities, deposit-taking institutions and the distribution of financial products and services.

Denise Léonard

Secretariat of Committees

Translation: **Sylvia Ford**

Secretariat of the National Assembly



Yukon

The 2002 Spring Sitting of the Second Session of the 30th Legislature began on April 4 and ended on May 30. The Sitting saw, among other things, the government lapse into a minority situation, 16 bills receive assent (including a new electoral boundaries act), two questions of privilege and the first, anti-climactic, application of new Standing Orders agreed to in the 2001 Fall Sitting.

Parliamentary Peregrinations

On April 2 three government private Members - **Wayne Jim** (McIntyre-Takhini), **Mike McLarnon** (Whitehorse Centre) and **Don Roberts** (Porter Creek North) - left the government caucus to sit as independents. This move reduced the Liberal government's caucus from 11 to 8, putting it into a minority position in the 17-seat legislature. It also effectively left the governing party without any private members. The Liberal government has had a seven-member cabinet since June 2001. The eighth Liberal in the House is Speaker **Dennis Schneider** (Whitehorse West).

The change from majority to minority government raised constant speculation as to whether the session would be completed, or whether Yukoners would face a spring election. It also led to procedural conundrums a majority government would not have to face.

The migration of government private members was not the only seat-switching, however. On May 7 **Dennis Fentie** (Watson Lake) left his post as House Leader of the Official Opposition New Democratic Party to become the second sitting Member of the Yukon Party, the third party in the Assembly, which was then in the midst of a leadership race. Mr. Fentie subsequently entered, and won, the race to lead the Yukon Party.

After the Spring Sitting ended NDP leader **Eric Fairclough** announced a formal review of his leadership would take place on September 21 in anticipation of a fall election. Since then the review has developed into a leadership race as two other individuals, including former Whitehorse Centre MLA **Todd Hardy**, have announced their intention to contest Mr. Fairclough's leadership.

Special Warrants

On March 14 Premier **Pat Duncan** (Porter Creek South) announced that the government had obtained \$282.3 million in spending authority through special warrant to cover costs for the first three months of the 2002-03 fiscal year. This was done because the legislature was not set to reconvene until after the start of the fiscal year. The Leader of the Official Opposition, Mr. Fairclough (Mayo-Tatchun), argued that the government should have reconvened the Assembly before the beginning of the fiscal year so that the government could obtain its spending authority through the legislature. However, the government thought it best to wait until after April 1 as that was the date a reorganization of government departments would take effect. Mr. Fairclough subsequently sent a letter to Governor General **Adrienne Clarkson** asking for her advice as to

the constitutionality of Commissioner **Jack Cable** granting a special warrant in this circumstance. In the letter Mr. Fairclough mentioned Mr. Cable's previous connection to the Yukon Liberal Party (MLA, 1992-2000) and argued that in granting the spending authority the Commissioner had politicized his position. No response was forthcoming from Rideau Hall.

Electoral District Boundaries Act

On April 4 Speaker Schneider tabled the final report of the Electoral District Boundaries Commission. On April 11 the government introduced Bill No. 61, the *Electoral District Boundaries Act, 2002* to give effect to the recommendations contained in the report.

The introduction of Bill No. 61 led to a procedural and political struggle over the House's agenda. The opposition majority wanted to deal with Bill No. 61 before approving the Operations and Maintenance estimates for 2002-03. The government wanted the estimates approved before passing Bill No. 61.

On April 29 Yukon Party leader **Peter Jenkins** (Klondike) introduced his own *Electoral Districts Boundaries Act*. This bill was, in essence, the same act introduced by the government. Mr. Jenkins' goal was to have the merits of redistribution debated regardless of the timing the government chose to bring forward Bill No. 61. Mr. Jenkins' bill never did receive full debate, however, and the Speaker subsequently ordered its withdrawal from the Order Paper after Bill No. 61 received third reading.

A final note about Bill No. 61: The government designated it a free vote. One government Member, **Scott Kent** (Riverside) voted against the bill at second reading and both he and fellow Cabinet Minister **Cynthia Tucker** (Mount

Lorne) voted against it at third reading. The three independent members also voted against the bill. However the NDP and Yukon Party supported the bill and it received third reading by a vote of 11-5.

Application of New Standing Orders

In the 2001 Fall Sitting the House adopted Standing Orders that established a regular calendar of business for the Assembly. (For more detail see the Yukon jurisdictional report in the Spring 2002 edition of this journal.) The requirements of the new Standing Orders were met in the following ways:

- On March 12, pursuant to Standing Order 73(2), Premier Duncan wrote to the Speaker informing him that she wished to see the Assembly called into session on April 4.
- Pursuant to Standing Order 74 all government legislation to be dealt with during the Sitting was introduced by the fifth sitting day, April 11.
- Pursuant to Standing Order 75(4) the Government House Leader informed the Assembly on the seventh sitting day (April 16) that the House Leaders had not reached an agreement on the number of sitting days to be allocated to deal with the business before the House. Accordingly, the Speaker ruled, pursuant to Standing Order 75(3) that the sitting would last 30 days, ending May 28. The ruling was later modified when unanimous consent was granted to a motion that the Assembly not sit on May 21 and 22. This agreement did not affect the number of sitting days, only the date of the final sitting day, which would now be May 30.

Due to some procedural wrangling the final sitting day proved anti-climactic as far as the application of the new Standing Orders was concerned. After the Daily Routine on May 28, the third to last sit-

ting day, the Government House Leader moved the standard motion that the Speaker leave the Chair and the House resolve into Committee of the Whole. The business then before the Committee was Bill No. 9, the Main Operations and Maintenance estimates for 2002-03.

In a move unprecedented in the history of the Yukon Legislative Assembly, the opposition majority called for a division on the motion and defeated it. The Government therefore was prevented from dealing with the budget and had to call forth seven bills then awaiting third reading. Once those bills received third reading the Government had no other business to call for the day.

Under Standing Order 13(1) (order of business) the House proceeded to Motions other than Government Motions. As none had been designated for that day the Assembly proceeded through the Order Paper from the beginning with the Speaker calling forth motions in numerical order. Eventually twenty-nine motions were called in this manner. However, opposition members did not wish to debate these motions as they wanted the government to bring forward Bill No. 61. They were able to defer debate on 26 of them, however, government Members were able to debate three where debate had previously been adjourned.

Having dealt with seven bills at third reading on May 28 only nine were left to be dealt with on the final sitting day, thereby reducing the probability that the new 'guillotine' provisions of Standing Order 76 would have to be used. These provisions would, at a designated hour, force the Assembly to vote on outstanding business before it without debate or amendment to conclude business that day. Still, Members did seem aware of the time and when Committee of the Whole was dealing with the final bill before it

the Chair remarked that the committee was dealing with it "just under the wire."

Another procedural result of the Standing Orders was that no motion to adjourn was necessary at the end of Day 30. As the Speaker had already ruled that the Sitting would last 30 days and the Assembly had now dealt with all the business before it, the Speaker had all the authority needed to adjourn the House.

Questions of Privilege

The Speaker had to rule on two questions of privilege during the 2002 Spring Sitting. Both questions were raised by independent members.

The first Question of Privilege was raised by Mr. McLarnon on April 8, 2002 on behalf of himself, Mr. Jim and Mr. Roberts. At issue was the possession of, and access to, computer files and equipment belonging to those members which they alleged was improperly accessed by government staff after they left the Liberal caucus to sit as independents. Mr. McLarnon also alleged government staff improperly kept these files and equipment from the now-independent members. Mr. McLarnon argued this action breached his privileges as a member because it interfered with his ability to properly represent his constituents.

In his ruling on April 15 Speaker Schneider did not find there to be a *prima facie* breach of privilege. He concluded that the freedom of speech enjoyed by members does not extend to communications between members and their constituents. He also noted that "the members in question have been able to fully exercise freedom of speech while participating in the proceedings of this Assembly despite the

fact that their files were withheld from them."

The Speaker also concluded that the actions of government staff did not constitute a contempt of the Assembly. He gave the benefit of the doubt to those persons involved saying, "their actions may have been attributable to a lack of proper direction and a lack of appreciation of the independence of private members."

In prescribing a remedy the Speaker directed the Clerk to develop a draft protocol to deal with situations of this kind. The draft protocol is to be presented to the Members' Services Board for review and adoption. The protocol is in development at the time of this writing.

Mr. Jim raised the second question of privilege on April 18, 2002. The question arose from a comment made by the Minister of Health and Social Services, **Sue Edelman** (Riverdale South, Liberal) and a letter the Minister sent to the Chief of a local first nation. These comments and the letter were in response to questions Mr. Jim had asked in question period regarding first nations children in government care. Mr. Jim had suggested the Minister meet with the Chief and council of the first nation to rebuild trust between them. In response Mrs. Edelman said, "First of all, I didn't realize that the member opposite is suddenly representing" the first nation. Later that day the Minister reiterated her curiosity in a letter to the Chief of the first nation.

In raising the question of privilege Mr. Jim said the minister had questioned his right to represent his constituents. This, he argued, constituted a contempt of the Assembly because it was "an attempt to intimidate members of my constituency and silence me."

In his ruling of April 23, 2002 Speaker Schneider concluded, "the

minister's words and actions do not constitute a *prima facie* breach of privilege or a contempt of the Assembly." The Speaker was not convinced "that the words and actions of the Minister of Health and Social Services have, directly or indirectly, had the effect of obstructing or impeding the member in the discharge of his duties." At the same time the Speaker said statements that suggest a member is representing someone other than his or her constituents are not in order as they are an imputation of false or unavowed motive, in contravention of Standing Order 19(g). The Speaker suggested that, in future, members who are concerned about such statements raise them as a point of order when they are made.

Legislation

In addition to the *Second Appropriation Act, 2002-03* and the *Electoral District Boundaries Act, 2002* the following 14 bills received assent during the 2002 Spring Sitting:

- *Third Appropriation Act, 2001-02;*
- *Official Tree Act;*
- *Act to Amend the Income Tax Act (No.5);*
- *Act to Amend the Tobacco Tax Act (No.2);*
- *Government Organisation Act*
- *Act to Amend the Economic Development Act*
- *Government Accountability Act*
- *Act to Amend the Access to Information and Protection of Privacy Act;*
- *Act to Amend the Employment Standards Act;*
- *Spousal Compensation Act;*
- *Act to Amend the Dental Profession Act;*
- *Corporate Governance Act;*
- *Act to Amend the Financial Administration Act; and*
- *Act to Amend the Workers' Compensation Act.*

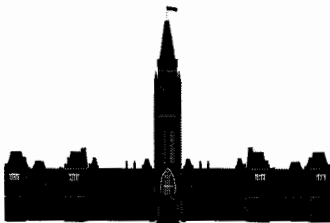
Appointments

On April 4, 2002 the Legislative Assembly re-appointed **Hendrik (Hank) Moorlag** to a second five-year term as the Yukon's Ombudsman and Information and Privacy Commissioner. On May 13 the Legislative Assembly approved a motion appointing **David Phillip Jones, QC**, of Edmonton, Alberta to a three-year term as the Yukon's Conflicts Commissioner. Both appointments entailed a recorded division as the *Ombudsman Act* and the *Conflict of Interest (Members and Ministers) Act* require that the appointments be approved by two-thirds of the Members of the Assembly. Both appointments received unanimous approval.

The legislature is scheduled to reconvene on October 17 for the 2002 Fall Sitting.

Floyd McCormick

Deputy Clerk
Yukon Legislative Assembly



House of Commons

Prior to adjourning for the summer on Thursday, June 20th, the House of Commons passed a number of controversial bills including Bill C-5, the *Species at Risk Act* and Bill C-15B, a legislative package aimed at amending the *Criminal Code* in relation to cruelty to animals and firearms. In both cases, time allocation was invoked by the government. In addition, the government's pesticides legislation passed in June and a new legislative package

aimed at implementing the Biological and Toxin Weapons Convention was introduced and sent to a legislative committee.

On June 11th the Prime Minister tabled his long-awaited ethics guidelines for members of Cabinet, following months of controversy about alleged conflict of interest on the part of several key Ministers. The ethics package, contained three documents: *A Guide for Ministers and Secretaries of State; the Ministry and Crown Corporations and; the Ministry and Activities for Personal Political Purposes*. The new guidelines will require cabinet ministers to reveal within 30 days the names of donors to underground leadership campaigns. As well as restricting the activities of cabinet members, the guidelines provide more independence to the federal ethics counsellor, although they do not provide for an arms' length counsellor who would report directly to Parliament. The new rules prohibit Ministers from lobbying Crown corporations that fall within their portfolios. The Prime Minister also promised legislation this fall that will limit contributions by corporations and unions, and require all political donations to be reported.

In addition, the Government brought forward a motion to create a Special Joint Committee on a Code of Conduct to review and recommend action based on the work of a previous special joint committee. Several amendments, and a sub-amendment were moved to the main motion, and following debate and a call for a recorded division, the vote on the sub-amendment was deferred until the House returns on Wednesday, September 18th.

The annual statement of "Individual Member's Expenditures" was tabled by the Speaker in early June. A take-note debate on the review of the Canadian health care

system by the Romanow Commission took place on June 7th.

Procedure

New procedures related to the consideration of the Main Estimates, put in place as a result of the implementation last fall of the *Report of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons*, were put to the test this spring as the Commons held its first debates in Committee of Whole on the votes under the Main Estimates for two departments.

The debates on votes under the departments of National Defence and Public Works and Government Services were held on the evenings of May 7th and June 4th respectively. At the beginning of the first session, the Chairman of the Committee of the Whole **Bob Kilger** made a statement concerning the rules of debate under the new procedure. At the termination of each debate, pursuant to the new rules, the Votes considered were deemed reported back to the House without amendment. Pursuant to the rule changes, the Leader of the Opposition also proposed a motion, which was deemed adopted, to extend the consideration of the votes under Agriculture and Agri-Food in the Main Estimates beyond May 31, 2002.

On May 27th, on a motion by **Marlene Catterall**, the Chief Government Whip, amendments were made to *Standing Order 104* to provide for the creation of a new sixteen-member Standing Committee on Government Operations and Estimates. The mandate of the new committee will be to review the effectiveness, management and operation as well as the expenditure plans, and supplementary estimates of central government departments and agencies. In addition

the new committee will be charged with the review of the reports of the Privacy Commissioner, the Access to Information Commission, the Public Service Commission and the Ethics Counsellor (in relation to his or her responsibilities under the *Lobbyists' Registration Act*). Finally, the new committee is charged with reviewing and reporting on the process for considering the estimates and supply, including the format and content of all estimates documents.

Privilege

On June 13th, following the Weekly Statement by the Leader of the Government in the House of Commons, **Garry Breitkreuz** (CA) raised a question of privilege to charge the Minister of Finance **John Manley** (Lib.), with contempt for his failure to comply with the legislative requirement compelling the Minister to table a report from the Chief Actuary on Bill C-53 (*An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act*), in compliance with Section 115 of the *Canada Pension Act*. Following a statement from the Speaker that he would take the matter under advisement, Government House Leader **Don Boudria** later returned to the House to confirm that the Bill would not be called at that time, as he was still waiting for an indication on the status of the Chief Actuary's report. The following day, Mr. Boudria again rose in the House and explained that the Minister had not yet received the report in question and therefore was not in a position to table it. He added that there was nothing in the legislation to prevent the House from proceeding with the Bill. Following an intervention by **Richard Harris** (CA), the Speaker ruled that the Government House Leader had reported on the situation, and that the Chair was satis-

fied that there had been no breach of the rules. He indicated therefore, that the Deputy Speaker could proceed to consideration of the Bill as had been scheduled for later that day. The matter was raised again on Monday, June 17th by **Scott Reid** (CA) during debate for second reading of the bill. He moved an amendment asking that the House not give second reading to the bill given that it had not been accompanied by a Report from the Chief Actuary of Canada. The Acting Speaker **Réginald Belair** ruled that the matter of the Chief Actuary's report had already been dealt with by the Speaker, and furthermore drew the Member's attention to the fact that the report in question had in fact been tabled earlier that day. Consequently, he ruled the amendment out of order. On Friday, June 21st, **Rob Anders** (CA) moved another amendment to the effect that the House decline to give second reading to the bill, again citing the lack of tabling of the Chief Actuary's report. After discussion the Acting Speaker, **Eleni Bakopanos** ruled the amendment in order, the question was put on the amendment and the recorded division deferred until Wednesday, September 18th when the House resumes following the summer recess.

Committees

The Standing Committee on Public Accounts began hearings into the Report of the Auditor General of Canada dated May 8th, 2002 relating to contracts awarded by the Department of Public Works and Government Services to Groupaction Communications. A number of witnesses have appeared before the Committee including **Sheila Fraser**, the Auditor General and **Ranald Quail**, the former Deputy Minister of the department. Two witnesses, considered to be key to the Commit-

tee study, **Charles Guité** and **Pierre Tremblay**, both former executive directors of the sponsorship branch at Public Works, were invited to appear but refused to do so because of the ongoing RCMP investigation into the matter. The Committee subsequently issued a summons for Mr. Guité to appear. In the case of both former bureaucrats, legal counsel appeared on their behalf in early July. On July 9th the Committee voted not to hear further witnesses until after the Auditor General and RCMP had concluded their investigations of the matter. The Committee subsequently met on July 25th further to a written request by four Committee members pursuant to *Standing Order 106(3)* who were calling upon the Committee to investigate further contracts issued by the government to a number of communications companies. The majority of Committee members voted down the request.

On June 4th, **John Reynolds**, the Opposition House Leader, rose on a point of order in relation to a meeting scheduled for the Standing Committee on Transport later that morning, arguing that as a result of the changes to the *Standing Orders* made on May 27th, two new committees had been created and that the new membership lists for the two committees had not yet been reported to the House by the Standing Committee on Procedure and House Affairs. In conclusion Mr. Reynolds argued that the Committee could not meet for two reasons: there was no membership; and the 48 hours' notice required to call such a meeting had not been respected.

Later in the day, the Speaker delivered a ruling on the matter, concurring that the notice for the meeting was not valid as it violated the Order made on May 27th. He stated that he had issued instructions for corrective measures to be taken, and in the case of the new

Standing Committee on Transport, that the usual practices regarding the organization of newly constituted committees be followed. The 64th Report of the Procedure and House Affairs Committee naming members to the two new committees was presented on Wednesday, June 5th and concurred in on June 6th. The organization of the two committees followed. Elections were held for the positions of chair of the two committees. The chair of the new Government Operations and Estimates committee is **Reg Alcock**, and the chair of the Transport committee is **Ovid Jackson**.

In other changes, as a result of the Cabinet shuffle announced on May 26th, **Jean Augustine** became Secretary of State for Multiculturalism and the Status of Women, leaving the chair of the Standing Committee on Foreign Affairs and International Trade vacant. On June 13th, **Bernard Patry** (Pierrefonds–Dollard) was elected to fill the position. On May 28th, as a result of the same cabinet shuffle, the Board of Internal Economy announced that Mr. Boudria, who returned to his former position as Government House Leader would be appointed to replace **Ralph Goodale** (the new Public Works Minister) as a Member of the Board. On May 29th, the Speaker announced the appointment of Mr. Kilger (Deputy Speaker and Chairman of Committees of the Whole) as the chair of the newly created legislative committee charged with the study of Bill C-55.

During the months of May and June the usual flurry of Committee activity occurred to report back to the House prior to the summer recess. A number of key committee reports were presented including the following:

- *Registration of Pesticides and the Competitiveness of Canadian Farmers; Labelling of Genetically*

Modified Food and its Impacts on Farmers and The Future Role of the Government in Agriculture (Standing Committee on Agriculture and Agri-Food);

- *Competing for Immigrants* (Standing Committee on Citizenship and Immigration);
- *Foreign Overfishing: its Impacts and Solutions* (Standing Committee on Fisheries and Oceans);
- *Promoting Equality in the Federal Jurisdiction: Review of the Employment Equity Act* (Standing Committee on Human Resources and Development and the Status of Persons with Disabilities);
- *Building an Effective New Round of WTO Negotiations: Key Issues for Canada; and Securing Progress for Africa and the World - A Report on Canadian Priorities for the 2002 G8 Summit* (Standing Committee on Foreign Affairs and International Trade);
- *Facing our Responsibilities – the State of Readiness of the Canadian Forces* (Report of the Standing Committee on National Defence and Veterans Affairs);
- *Canada's Innovation Strategy: Peer Review and the Allocation of Federal Research Funds* (Standing Committee on Industry, Science and Technology);
- *Review of the Mental Disorder Provisions of the Criminal Code* (Standing Committee on Justice and Human Rights); and
- *The Justice System and Official Language Minority Communities* (Standing Joint Committee on Official Languages).

Legislation

In addition to the passage through the Commons of legislation relating to endangered species, cruelty to animals, firearms and pesticides a number of other bills received third reading. These include Bill C-47 (*An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores*), Bill C-48 (*An Act to Amend the Copyright Act*), and C-54

(*An Act to promote physical activity and sport*).

Bill S-7 (*An Act to amend the Broadcasting Act*), was sent to the House Standing Committee on Canadian Heritage where it was subject to some controversy during the clause-by-clause consideration. A ruling by the Chair that certain amendments were out of order was overturned. Pursuant to Standing Order 97.1 the bill was deemed reported back to the House on June 6th, following a failed attempt by Committee members to seek an extension to the reporting deadline imposed on the Committee by the House. A number of new bills were introduced towards the end of the sitting, several of which have sparked controversy in the House. These include:

- Bill C-58 (*the Canada Pension Plan and the Canada Pension Plan Investment Board Act*)
- Bill C-60 (*An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts*)
- C-61 (*An Act respecting leadership selection, administration and accountability of Indian bands, and to make related amendments to other Acts*).

Finally, the *Appropriation Act (2002-2003)* passed in the Commons on June 6th received Royal Assent on June 13, 2002.

Private Members' Business

During Private Members' Business on May 2nd, and the debate on a motion by **Murray Calder** (Lib.) on firefighters' pensions, **Monty Solberg** (CA) moved an amendment to strengthen the wording of the motion. The Deputy Speaker stated that he would take the amendment under advisement. **Pat**

Martin (NDP) rose on a point of order and stated that the amendment did not have a Royal Recommendation, and therefore did not comply with the rules governing Private Members' Business. **Maurice Vellacott** (CA) rose on a point of order and stated that the amendment would not place a burden on the public purse. Ms. Catterall (Chief Government Whip) stated that given that there appeared to be general will of the House to adopt the main motion, she asked that the Member for Medicine Hat withdraw his amendment to allow the House to proceed to the question. At this point, the Deputy Speaker ruled the amendment in order, stating that he had examined the amendment with reference to the terms of *Standing Order 79* and found that it would not effect an appropriation of any part of the public revenue for which a Royal Recommendation would be required. Both the amendment and motion were agreed to.

On May 9th an attempt was made to reinstate **Keith Martin's** (CA) Bill C-344 (*An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act (marihuana)*). **Réal Ménard** (BQ) asked for consent of the House to submit to the Chair a letter signed by 81 Members objecting to the manner in which the Government majority had disposed of the bill. During the debate for second reading of the bill on Monday, February 18, 2002 **John Maloney** (Lib.) moved an amendment to have the bill withdrawn and the subject matter referred to Committee. Subsequently, the amendment was agreed to on Wednesday, April 17, 2002, and the main motion, as amended, was also agreed to. Mr. Ménard added that when Members discerned that a Private Members' bill had been deemed votable but had not been voted on, many believed that a

breach of their parliamentary privileges had occurred. He asked that Mr. Martin be allowed to introduce another bill on the same subject matter that would be deemed votable as soon as possible. After an intervention of the then Leader of the Government in the House of Commons (Mr. Goodale, Lib.), the Speaker stated that the Chair had already ruled the amendment to Bill C-344 admissible and based on the precedents, he had concluded that such an amendment to any bill before the House would be in order. He added that a study of Private Members' Business was currently underway by the Standing Committee on Procedure and House Affairs and suggested that the Member and his colleagues who signed the letter, appear before the Committee to recommend changes to the Standing Orders. In closing, the Speaker indicated that he was obliged to enforce the rules of the House, but did not have the authority to change them. He added that he would forward the letter to the Chair of the Committee immediately, suggesting the Committee examine the proposals.

The Standing Committee on Procedure and House Affairs did indeed study the issues raised by Members during its examination of the Standing Orders and Private Members' Business. In its 66th Report presented to the House on June 12th, the Committee made a number of recommendations aimed at addressing concerns discussed by Members during a Round Table session held on May 2nd. The basic principles of the proposal were as follows:

1. Each eligible Member should have at least one opportunity per Parliament to have an item of Private Members' Business debated in the House of Commons.
2. Unless deemed "non-admissible," each item on the Order of Precedence would be votable, unless the sponsor opted to make it non-votable.
3. Eligible Members would retain the right to present as many motions and introduce as many bills as they wished, as is currently the case.
4. Members would be called upon to participate in the first round of Private Members' Business at the beginning of the period.
5. Members must have at least one item on the Order Paper to qualify for the draw.
6. Draws for names would be held as required and would continue until all eligible Members wishing to participate had the opportunity to do so. Subsequent rounds would follow if time permitted.
7. This new procedure would be adopted on a pilot project (provisional) basis from the fall of 2002 to the end of the 37th Parliament, provided that it was subject to a review by the Standing Committee on Procedure and House Affairs after one year.

Under the proposal, the order of precedence would consist of 40 items; subsequent draws would be held when the number of items on the Order of Precedence falls below 20. The order of precedence would continue from session to session within a Parliament, and, therefore, be unaffected by any prorogation.

Under the new procedure all items would be votable unless they are found to be "non-admissible." It was proposed that this decision be made by a panel consisting of one Member from each recognized party in the House. The panel would be able to report directly to the House, and would no longer be a sub-committee of the Standing Committee on Procedure and House Affairs. A number of further recommendations were made to guide the panel in its work, although the criteria to guide the se-

lection of items was left to the panel to determine.

The Committee also emphasized that it was recommending that the package of changes be implemented on a provisional basis, until the end of the 37th Parliament, with a review of how effective the changes were within one year of their implementation. It was anticipated that the House would concur in the Committee's report prior to the summer recess, however the matter has been put off until the fall.

Other Matters

The Speaker announced two vacancies in May, caused by the resignations of Bloc Québécois members **Stéphan Tremblay** (Lac Saint Jean-Saguenay) and **Michel Bellehumeur** (Berthier-Montcalm). The House also welcomed seven new members as a result of the by-elections held across the country in May: **Rex Barnes** (Gander-Grand Falls, PC), **John Efford** (Bonavista-Trinity-Conception, Lib.), **Lisa Frulla** (Verdun-Saint Henri-Saint Paul-Pointe Saint-Charles, Lib.), **Brian Masse** (Windsor-West, NDP), **Massimo Pacetti** (Saint-Léonard, Lib.), **Raymond Simard** (Saint-Boniface, Lib.) and **Stephen Harper** (Calgary Southwest, CA).

On Thursday, May 9th, during Statements by Members, **Wendy Lill** (NDP), **Peter MacKay** (PC) and **Geoff Regan** (Lib.), in honour of the 10th anniversary Westray Mine of the disaster, paid tribute to the memory of the 26 coal miners who lost their lives in the mine.

Nancy Hall
Procedural Clerk
Table Research Branch
House Proceedings Directorate



Northwest Territories

On Tuesday, June 11, 2002, the Fifth Session of the 14th Legislative Assembly of the Northwest Territories reconvened. Spanning only nine days, this summer session saw a number of bills given Royal Assent, including some of major significance to the NWT.

Tony Whitford, Speaker of the Legislative Assembly, opened the Session with a speech remembering **Goo Arlooktoo**, a former Member who passed away on April 30, 2002. Mr. Arlooktoo was a Member for Baffin South from 1995 to 1999, and later returned to live and work in Nunavut upon the creation of the new territory. **Vince Steen**, Minister of Public Works and Services, and Mr. Whitford traveled to Iqaluit to attend Mr. Arlooktoo's funeral and to represent the Legislative Assembly of the NWT.

During this Session, most of the Regular Members expressed concern with Cabinet's decision to waive its own Business Incentive Policy (BIP) during construction of the North Slave Correctional Facility. The BIP allows local businesses to be competitive with larger southern firms by giving northern businesses a competitive advantage when bidding on government-sponsored contracts. Cabinet explained that they waived the policy in an effort to reduce increasing costs in this project because construction was exceeding the original projected amount.

In the House on June 13, 2002, **Sandy Lee**, Member for Range Lake, presented the *Report of the Special Committee on the Implementation of Self-Government and the Sunset Clause*. Co-chaired by Sandy Lee and **Jim Antoine**, Deputy Premier, the Committee was tasked with examining the Sunset Clause, or Section 2 of the *Legislative Assembly and Executive Council Act*. This Clause was added to the Act by the 13th Assembly and reflected the Members' concerns over the allocation of seats for the 14th Assembly. After extensive public consultations, the Special Committee recommended that the Sunset Clause be repealed and that the 14th Assembly enact legislation to establish an electoral district boundaries commission. These recommendations were subsequently adopted by the Legislature. The Special Committee is now ready to undertake the second phase of its mandate: considering how the Legislative Assembly and the Government of the Northwest Territories may be impacted by the implementation of Aboriginal self-government.

A number of Standing Committee reports were tabled during the Fifth Session, including The Standing Committee on Accountability and Oversight's *Report on the Review of the Languages Commissioner's Annual Report, 2000-01* and the *Report on the Review of the Access to Information and Protection of Privacy Commissioner's 2000-01 Annual Report*.

The *Progress Report on the Review of the Official Languages Act* was tabled in the House on June 18, 2002 by Committee Chair **Steven Nitah**, Member for Tu Nedhe. The Special Committee on the Review of the Official Languages Act was established in 2000 to review the effectiveness of the NWT's *Official Languages Act*.

National Aboriginal Day

June 21st marked the first time that National Aboriginal Day was celebrated as a statutory holiday in the NWT. "Today we celebrate what makes us different," said Premier **Stephen Kakfwi**. To honour this historic occasion, Governor General **Adrienne Clarkson** visited Yellowknife to attend National Aboriginal Day festivities. The Northwest Territories became the first jurisdiction in Canada to recognize National Aboriginal Day as a statutory holiday.

The Legislative Assembly, in partnership with the Ministry of Aboriginal Affairs, the Living History Society and the Office of the Official Languages Commissioner, launched a limited edition CD entitled 'O Canada: The True North Strong and Free.' The CD features Canada's national anthem sung in four of the NWT's official languages. A full version CD including versions sung in all of the official languages will be distributed to communities and schools in the North, and will be available to the general public for purchase in September.

Legislation

Eight bills received Royal Assent during the Fifth Session of the 14th Legislative Assembly. Three of particular significance include:

- Bill 5, *An Act to Amend the Adoption Act and the Family Law Act*, amends two Acts to extend the definition of "spouse" to include individuals in same-sex relationships. The new definition in the *Adoption Act* will allow same-sex couples to adopt a child, and will allow a same-sex spouse to adopt his or her spouse's child. The new definition in the *Family Law Act* will entitle a same-sex spouse to support, division of property and orders respecting the family home under that Act.

- Bill 8, *An Act to Amend the Nursing Profession Act and the Pharmacy Act*, amends the *Nursing Profession Act* to authorize nurse practitioners, who are parties to collaborative practice agreements, to practice at pilot project sites designated by the Minister. The Bill sets qualifications for the registration of nurse practitioners and provides for the development and approval of guidelines respecting their practice. Minor amendments are also made to a number of provisions to ensure the parallel treatment of certificates of registration, temporary certificates of exemption and, where applicable, certificates of registration as a nurse practitioner. This Bill also amends the *Pharmacy Act* so that pharmaceutical chemists may fill prescriptions signed by nurse practitioners.
- Bill 12, *An Act to Amend the Elections Act*, provides for the appointment of a Deputy Chief Electoral Officer, fixes the term for the appointment of returning officers, and permits returning officers to vote. The minimum election period is shortened from 45 to 28 days, and a permanent register of electors is established. Additionally, a variety of minor improvements or corrections are made to the Act.

The Fifth Session of the 14th Legislative Assembly of the Northwest Territories will reconvene on Tuesday, October 16, 2002.

Tasha Wasylkiw
Public Affairs Assistant



British Columbia

A total of 58 Government Bills, five Private Members' Bills and

two Private Bills were tabled in the House during the Spring Sitting of the Third Session. By the time the Spring Sitting adjourned, 51 of the Government Bills were passed by the Assembly; the remaining six received First Reading and were left on the Order Paper. During the last week of the sitting, the procedure of time allocation was invoked when the House adopted a schedule for debate to conclude government business by May 30, 2002.

Legislation

Three major labour laws were passed during the latter part of the Spring Sitting, which address issues regarding workplace relationships in British Columbia. The *Employment Standards Amendment Act* (Bill 48) allows for the traditional 40-hour workweek to be modified by agreements between employer and employee. In addition, Bill 48 simplifies workplace rules regarding record-keeping and mandatory workplace notices, reduces minimum daily hours of work, and imposes tougher, mandatory penalties for employers who mistreat employees.

The *Labour Relations Code Amendment Act, 2002* (Bill 42) addresses issues related to the governance structure and mandate of the Labour Relations Board (LRB). With the passage of the bill, the LRB is now mandated to apply the Labour Code and perform other duties in accordance with six existing principles and two new ones - one recognizing the specific rights of employees, employers and trade unions, and another ensuring that the "economic viability" of a company is a factor considered in LRB rulings. Bill 42 also grants employers the same right as labour unions already have to communicate with employees at the time of a certification drive.

Another piece of labour legislation – the *Workers Compensation Amendment Act* (Bill 49) – revises the inflation-indexing formula, makes changes to compensation and retirement benefits, and clarifies coverage for mental stress. This Bill also establishes a new governance structure for the Workers Compensation Board, with a board of directors replacing the temporary panel of administrators.

In the area of forestry legislation, two major bills were introduced with reference to the *Forest Act*. First, the *Protected Areas Forests Compensation Act* (Bill 39) applies the existing compensation provisions in section 60 of the *Forest Act* to outstanding claims arising from the establishment of parks, protected areas and ecological reserves under land use planning initiatives between 1995 and 2003. Secondly, the *Forest (First Nations Development) Amendment Act* (Bill 41) seeks to provide First Nations with opportunities to participate in the forestry-related economic development. With the passage of Bill 41, the Minister of Forests now has the powers to invite a First Nation to apply directly for forest tenures in furtherance of treaty-related or economic measures agreements between the government and that First Nation.

The House also passed the *Environmental Assessment Act* (Bill 38), which allows the environmental assessment office to tailor assessment procedures to the unique circumstances and issues of each project, replacing the previous one-size-fits-all approach. Other changes under the new Act include: allowing the environmental assessment office to waive environmental assessments for certain projects but still retaining other requirements such as permitting and compliance with performance standards; allowing projects that appear to have no

reasonable prospects for success to be referred to ministers to seek an early "no" decision; and giving proponents more choice of procedures, including opting into the environmental assessment process. Amendments were also made to the *Reviewable Projects Regulation*, which outlines project categories that are subject to review under the *Environmental Assessment Act*.

Future legislation

In keeping with its election commitment to provide local governments with greater autonomy, on May 28 the government tabled a White Paper entitled *The Community Charter: A New Legislative Framework for Local Government*. This document seeks public input on the anticipated legislation, which would recognize municipalities as an order of government; provide municipalities with broad powers, including powers to gather revenue from additional sources; and require municipalities to operate under new public accountability mechanisms. The proposed legislation would also address conflict of interest and other ethical conduct issues.

As noted above, toward the close of the Spring Sitting, the government introduced five exposure bills to facilitate public discussion during the summer. These include:

- Bill (No. 47) – the *Business Corporations Act*, which will replace the 1993 *Company Act* and change how companies are created, dissolved, organized and managed in the province;
- Bill (No. 53) – the *Human Rights Code Amendment Act, 2002*, which will eliminate the Human Rights Commission and the Human Rights Advisory Council, and provide complainants with direct access to the Human Rights Tribunal; and
- Bill (No. 57) – the *Transportation Investment Act*, which will allow

the Ministry of Transportation to enter into public-private partnerships to construct, improve, operate and maintain highways.

These bills will be debated when the House resumes on October 7.

Referendum Results

As reported in previous issues, drawing upon work done by the Select Standing Committee on Aboriginal Affairs during the Second Session, the government conducted a referendum on the principles of treaty negotiations – using the method of mail-in ballots. Individual ballots had to be received by May 15 at 4:30pm, and the results of the referendum were submitted to the Speaker on July 3. Elections BC reported that 763,480 ballots were considered during the count, representing about 36% of registered voters in BC, and that affirmative responses on all eight questions ranged from 84 to 95 per cent of validly cast votes.

Statutory Officers

Various independent offices of the BC Legislature recently underwent changes. For example, under the *Office for Children and Youth Act*, the Office of the Child, Youth and Family Advocate will be eliminated and replaced by a new Child and Youth Officer.

The Office of the Police Complaint Commissioner also underwent changes. On May 30, the Special Committee to Review the Police Complaint Process reported that the Police Complaint Commissioner, **Don Morrison**, had tendered his resignation to the Speaker. The committee, chaired by **John Nuraney** (Burnaby-Willingdon), has since continued its deliberations in regard to the complaint procedures outlined in Part 9 of the *Police Act*, and will issue its Second Report by August 9 to con-

clude its work. On a related note, on July 31, the Auditor General also released the results of his review of financial management issues in the Office of the Police Complaint Commissioner.

A Special Committee to Appoint a Police Complaint Commissioner has been struck. Another Special Committee has also been appointed to select a new Chief Electoral Officer, due to the retirement of the incumbent, **Robert Patterson**, on June 6, 2002. Currently, **Benjamin Casson, QC**, and **Linda Johnson** are serving as the Acting Police Complaint Commissioner and the Acting Chief Electoral Officer respectively.

Other Committee Activity

Three select standing committees have recently become active again. The Finance and Government Services Committee and the Public Accounts Committee were each re-appointed with a similar membership and mandate as in the previous session. The respective committees re-elected **Blair Lekstrom** (Peace River South) and **Jenny Kwan** (Vancouver-Mount Pleasant) as Chairs. In July, the Crown Corporations Committee, chaired by **Ken Stewart** (Maple Ridge-Pitt Meadows), began its review process of the service plans and annual reports of Crown Corporations, selecting the British Columbia Buildings Corporation as the first provincial Crown to undergo a review by a legislative committee since 1983.

Audrey Chan

Assistant Researcher
Office of the Clerk of Committees



Manitoba

The Third Session of the Thirty-Seventh Legislature concluded at 6:57 a.m. August 9, 2002. The final day began at 8:30 a.m. August 8 and saw the House sitting right through the night. By leave, several Standing Committees met concurrently with the House throughout the day and evening.

Legislation

In all, 57 Bills received Royal Assent this session, including:

- *Bill 3 - The Highway Traffic Amendment and Summary Convictions Amendment Act* which provides for police forces to use photo-radar systems and red-light cameras
- *Bill 5 - The Workers Compensation Amendment Act* which establishes that if a full-time fire-fighter gets a certain type of cancer, the dominant cause of the disease is their employment
- *Bill 9 - The Canadian Forces Personnel (Amendments Relating to Voting Rights and Driving Privileges) Act* which eases restrictions on Manitoba residents who are members of the Canadian Forces with regards to voting rights and driver licensing provisions
- *Bill 14 - The Public Schools Modernization Act (Public Schools Act Amended)* which enables the minister to make regulations after school divisions and school districts are amalgamated and establishes a process for resolving issues about the transfer of assets,

liabilities and employees from former divisions to new ones

- *Bill 34 - The Charter Compliance Act* amends 56 Manitoba Acts to bring them into compliance with the *Charter* primarily in the areas of adoption, conflict of interest, protection of the public interest and discrimination (during our last session legislation dealing with support and certain pension and death benefit provisions applicable to persons in common-law relationships was amended to comply with the Supreme Court of Canada's decision in *M. v. H.*)
- *Bill 39 - The City of Winnipeg Charter Act* - a major overhaul of the City's governing Act which includes new tools to deal with key concerns including downtown renewal, economic development, neighbourhood revitalisation and broader powers to allow the city to manage its affairs

Of all the Bills this session none attracted more attention than *Bill 14 - The Public Schools Modernization Act*. Introduced in the House on May 2 and receiving Royal Assent on July 17, consideration of *Bill 14* dominated House business throughout most of June and early July with the intense debate on the *Bill* lasting almost six weeks.

The purpose of the *Bill* (sponsored by the Minister of Education, Training and Youth, **Drew Caldwell**) was to reduce the number of school divisions in the province by one-third through the merger of various divisions, create new division boundaries throughout Manitoba, and cap administrative costs to redirect resources from boardrooms to the province's classrooms.

The official opposition, primarily represented in this debate by **Harold Gillehammer**, Education Critic, was opposed to some of the principles of *Bill 14*, suggesting that the *Bill* may not have been necessary to achieve the proposed

amalgamations and that it could lead to increased costs for school divisions. The opposition also expressed concerns about the new administrative structure laid out in the Bill.

Standing Committee Activity

The Standing Committees have been very busy since our last report:

- The Standing Committee on Industrial Relations met three times, considering four Bills
- The Standing Committee on Law Amendments met on 13 occasions, considering 40 Bills
- The Standing Committee on Privileges and Elections met four times, considering Elections Manitoba Reports, one Bill, and the 2002 Report of the Judicial Compensation Committee
- The Standing Committee on Public Utilities and Natural Resources met twice to consider Annual Reports
- The Standing Committee on Public Accounts met on four occasions to consider Reports from the Office of the Auditor General,

the Public Accounts, and the rules and procedures pertaining to the functioning of the Public Accounts Committee

- The Standing Committee on Municipal Affairs held three meetings to consider five Bills
- The Standing Committee on Private Bills met once to consider four Private Bills

Public Accounts Committee

The notable increase in the activity of our Standing Committee on Public Accounts stems from a recent initiative to reform the rules and procedures pertaining to the functioning of the Committee. At their May 6, 2002 meeting the Committee adopted a set of reform proposals. The package lays out guidelines on a range of committee matters, including: the mandate of the Public Accounts Committee, the scope of the committee's activities, the size and composition of the Committee, the role of the Chairperson, and the frequency of meetings. The House

approved the package on August 8, 2002.

Golden Boy Update

Work continues on the restoration of the famous Golden Boy. Following the statue's removal from the dome of the Legislature last February and its deconstruction and reconstruction this spring, the Golden Boy has now received a new coating of gold leaf. Manitobans and visitors to our province were able to watch our provincial icon receive his new gold coat while he has been on public display this summer at the Forks Market in downtown Winnipeg. Over 100,000 people visited the Golden Boy when he was first put on public display at the Manitoba Museum earlier this year.

The Golden Boy project is scheduled for completion by early fall, in time for the visit of **Queen Elizabeth II** in October 2002.

Rick Yarish
Clerk Assistant /
Clerk of Committees

