



Legislative Reports



British Columbia

On November 26, 2002, the Third Session of the 37th Parliament adjourned, bringing to a close the first fall sitting of the Legislative Assembly established by the parliamentary calendar. In total, 73 Government Bills, one Private Members' Bill and four Private Bills were passed during the Session. Some of the major pieces of legislation include: the *Residential Tenancy Act* (Bill 70), the *Community Care and Assisted Living Act* (Bill 73), and the *Forest and Range Practices Act* (Bill 74).

The *Residential Tenancy Act* repeals the former version of the Act, first passed in 1984. The new Act will allow the government to set limits for rental increases by regulation, add a requirement for move-in and move-out condition inspections and reports, and provide for a system of arbitration to resolve disputes between landlords and tenants. The legislation also provides for pets in residential tenancies and terms in tenancy agreements respecting pet damage deposits.

The *Community Care and Assisted Living Act* establishes two separate categories of care facilities: community care facilities which must be licensed, and a new category of assisted living residences which need to be registered. Assisted living residences provide varying degree of support to residents who can live "relatively independently." Another purpose of the bill is to modernize governance of these facilities by creating a results-based framework that enhances local authority and streamlines decision-making but requires adherence to overall provincial standards. The legislation also contains new provisions that protect people who report abuse so that they can complain in good faith without fear of recrimination.

Another major piece of legislation passed by the House this fall is the *Forest and Range Practices Act*. The introduction of this bill implements the government's election commitment "to establish a workable, results-based *Forest Practices Code* with tough penalties for non-compliance." The new Act provides for a simplified planning and approval process and enables forest practice standards to be set by regulation; strengthens penalties for non-compliance; and continues the Forest Practices Board. The new Act is expected to replace the current *Forest Practices Code* in April 2003.

Various acts were also amended. The *Election Statutes Amendment Act, 2002*, for example, amends both the *Election Act* and the *Recall and Initiative Act*. This legislation re-

peals the limit on third party election advertising, and prohibits charitable organizations from making political contributions under the *Election Act* or recall contributions under the *Recall and Initiative Act*.

In addition, the *Miscellaneous Statutes Act* (Bill 62) contains an amendment to the *Freedom of Information and Protection of Privacy Act* that allows the Lieutenant-Governor-in-Council to designate government caucus committees to be exempt from complying with freedom-of-information requests. The purpose of the amendment is to confirm that cabinet confidentiality applies to government caucus committees, which consist of backbenchers and ministers and meet regularly to review policy and legislative changes. The amendment under Bill 62 requires that at least one-third of the government caucus committee members be cabinet ministers, that the deliberations of the committee relate specifically to the work of cabinet, and that the committee exercise the functions of cabinet.

The passage of the *Hunting and Fishing Heritage Act* (Bill M 204) is also noteworthy. This Private Members' Bill was introduced by **Bill Bennett** (East Kootenay), and recognizes that a person has the right to hunt and fish in accordance with the law. It particularly engaged the interest of MLAs in rural ridings, and was passed on division on Third Reading. Its enactment represents the passage of the first Private Members' Bill in the 37th Parliament.

Parliamentary Committee Activities

Various select standing committees have recently issued reports. The Select Standing Committee on Finance and Government Services reported on the pre-budget consultation process on November 14. The Committee concluded that the government should stay the course and continue with its plan to balance the budget by 2004/05. However, the Committee also recommended that some "fine-tuning" should be done in the next two budgets in the form of providing assistance to resource-dependent communities, as well as more funding for K-12 education, transportation infrastructure, and child care subsidies.

On December 13, the Finance and Government Services Committee released its second report on the 2003/04-2005/06 budget proposals of the statutory officers. The report recommends budget cuts for five of the six independent offices of the Legislative Assembly. The Committee also recommended that the six statutory officers should continue to pursue their shared services activities.

Another oversight committee, the Select Standing Committee on Crown Corporations, also tabled its report on November 7. The report contains the results of its reviews of the service plans and annual reports of selected Crown corporations – namely, the BC Buildings Corporation, the BC Lottery Corporation, Tourism BC and BC Transit.

The Select Standing Committee on Health was reactivated in October, and released its follow-up report on December 12. The report, entitled *Patients First 2002: the Path to Reform*, provides a summary of all the reforms and government initia-

tives underway in response to the committee's December 2001 report, and also examines major health care reports released during 2002 (including the Romanow, Kirby, and Mazankowski reports). The Committee made 37 new recommendations, such as that there be a firm commitment to public information and transparency in the process to foster a positive climate for change, and that all health reforms be carefully evaluated to ensure they do achieve their intended aims.

Other Matters

On November 21, 2002, the Special Committee to Appoint a Police Complaint Commissioner tabled its report in the House, recommending that **Dirk Ryneveld** be appointed as the province's second Police Complaint Commissioner. Mr. Ryneveld has more than 30 years of experience in the legal profession, most of which was spent in British Columbia as a deputy regional Crown counsel. For the last four years, he has been serving as a senior trial attorney with the United Nations at The Hague. He is expected to assume his new duties in February 2003.

Just prior to adjournment, the Conflict of Interest Commissioner was also reappointed upon the expiration of his term. On November 26, the House adopted a motion in the Premier's name to reappoint **H.A.D. Oliver** as the province's Conflict of Interest Commissioner, pursuant to section 14(2) of the *Members' Conflict of Interest Act*. By statute, the appointment procedure for this position differs from the usual practice for other statutory officers of appointing individuals upon the recommendation of a legislative committee.

In October 2002, the Legislative Assembly launched an educational CD titled "Discover Your Legislature," which was developed by the Public Education and Outreach Office. This multimedia resource is designed for teachers, students and the general public. It features a virtual reality tour of the Parliament Buildings, and extensive information about the history and role of the Assembly in the democratic governance of our province. The resource is available on the Assembly website at: www.legis.gov.bc.ca.

On November 19, **Paul Nettleton** (Prince George-Omineca) departed the Liberal caucus to sit as an Independent Liberal. The current party standings in the House, as a result, are: 75 Liberals, two New Democrats, and two Independent Liberals.

Audrey Chan

Research Analyst

Office of the Clerk of Committees



Manitoba

The Manitoba Legislature sat this fall from November 27 to December 12. In addition to considering the fourth Throne Speech from the NDP government, the House also passed four Bills, including Bill 2 - *The Civil Remedies Against Organized Crime and Liquor Control*

Amendment Act. The intent of the Bill is to address businesses controlled by members of criminal organizations, businesses used for unlawful purposes, and persons who conspire to commit unlawful activities that would harm the public. Under this legislation, a chief of police may apply to the Court of Queen's Bench for an order to address these concerns.

The House is currently in recess at the call of the government until sometime this spring.

Changes to our Rules

The Manitoba Legislative Assembly adopted a number of rule changes at the end of the recent fall session. The changes (which took effect January 1, 2003) incorporate a number of significant revisions to our procedures, in some cases revamping and modernizing our practices and in others deleting rules no longer followed. Some of the highlights from this package include the following:

- A Sessional Calendar has been added to identify when the House can meet during the year.
- Our Usual Adjournment Hour has been moved up to 5:30 from 6:00.
- A number of provisions have been added regarding General Decorum including allowing Members to use laptops in the Chamber (except during Question Period).
- Private Members' Business will now be held on Thursday mornings from 10:00 a.m. to 12 noon, instead of 5:00 to 6:00 p.m. daily.
- A number of provisions have been added regarding Speeches by Members in the House:
 - The time allotted for speeches by Members in the House has been reduced from 40 minutes to 30 minutes.
 - A general rule on the rotation of speakers between recognized Parties has been added to the rules.

- A new concept in debate has also been included. Members may now divide their 30-minute speaking time with other Members from the same party.

- Time Allocation, a new procedure for Manitoba, has been added to our rules. This can be applied to either Bills or motions.
- Consideration of Departmental Estimates / Committee of Supply
 - The maximum time allowed each year for the Consideration of Departmental Estimates has been reduced from 240 hours to 100 hours.
 - In addition to regular afternoon sittings from Monday to Thursday during the estimates process, the Committee of Supply will also sit Friday mornings from 10:00 a.m. to 12:30 p.m.
- A provision has been added to the rules to specify that no Standing Committee may consist of more than 11 members. In addition, a number of provisions have been added regarding public presentations in Standing Committees, including time limits for presentations and limitations on how late in the evening Committees may sit to hear presentations.
- Two stages of the Bill consideration process, Concurrence and Third Reading, are being combined into one motion. If Report Stage amendments are filed, a Report Stage is held. Otherwise, there is no Report Stage.

These rules are currently in effect, but they will not be fully tested until the House returns sometime this spring.

Retirements

Since our last report, three more MLAs have announced their retirement from our legislature, including our current Dean, **Harry Enns** (Lakeside). First elected in 1966, Mr. Enns served in the cabinets of Premiers **Duff Roblin**, **Walter Weir**,

Sterling Lyon, and **Gary Filmon**. Mr Enns held many portfolios during his long tenure including Agriculture, Mines, Public Works, Highways, Manitoba Public Insurance Corporation, Government Services, and Natural Resources.

A member of the current NDP cabinet, **Becky Barrett** (Inkster), has also joined the list of Members not seeking re-election. Since her first election victory in 1990, Ms. Barrett served as critic for several departments while in opposition before moving into cabinet herself as the Minister of Labour and Immigration when the NDP came to power in 1999.

Ed Helwer (Gimli) is most recent member to make a retirement announcement. First elected in 1988, Mr Helwer served as Party Whip for the PC Government Caucus from 1990 to 1999. In opposition, Mr Helwer has served as Chair of our Public Accounts Committee.

All three Members have indicated they will remain active as MLAs for the balance of the current legislature. Manitoba held its last general election on September 21, 1999.

2003 CCPAC/CCOLA Conference

Manitoba is pleased to be hosting the 2003 joint conference of the Canadian Council of Public Accounts Committees and the Canadian Council of Legislative Auditors. The conference will be held in Winnipeg from September 14 - 16, 2003.

Rick Yarish

Clerk Assistant / Clerk of Committees



Senate

The pace of business in the Senate increased during the month of December not because of the usual influx of legislation that precedes a lengthy adjournment, but rather to one bill in particular. Bill C-10, an amendment to the *Criminal Code*, was the subject of extensive debate, numerous points of order and rulings from the Speaker. In addition, a motion asking the Senate to call upon the government to ratify the Kyoto Protocol on Climate Change took up much of the time of the Senate in the weeks leading up to the Christmas adjournment.

Bill C-10

Debate at second reading was already well underway when Senator **David Tkachuk** suggested splitting Bill C-10, an amendment to the *Criminal Code* (cruelty to animals and firearms) because it contained two separate issues. The events that followed were reminiscent of an incident in 1988 when the Senate attempted to divide the Atlantic Canada Opportunities Agency Bill. A number of procedural complications were immediately brought forward by some Senators who approved of the principle but had concerns about the process of splitting a bill. They wondered whether the split would happen in committee or in the Senate Chamber, and how it would be reported to the Senate. In

the end the Senate agreed to refer the bill to the Legal and Constitutional Affairs Committee with an instruction to divide the bill.

On November 28 the Legal and Constitutional Affairs Committee reported that it had in fact divided Bill C-10 into two bills, Bill C-10A, *An Act to amend the Criminal Code (firearms) and the Firearms Act*, and Bill C-10B, *an Act to amend the Criminal Code (cruelty to animals)*. As well, it reported Bill C-10A without amendment and was continuing to examine Bill C-10B.

Senator **John Lynch-Staunton**, Leader of the Opposition, was the first to raise a point of order on December 3. He argued that Bill C-10A was a document without status, at best a brand new bill that had not gone through the proper procedures. Not only that, but the committee was at fault for proceeding in a manner that did not respect the privileges and rights of the House of Commons. Many Senators took part in the discussion before the Speaker ruled later that day. His conclusion was that the order of the Senate had been properly dealt with by the committee and the Senate proceeded to third reading of the bill.

The second point of order occurred on the same day and concerned the message to the House of Commons that accompanied Bill C-10A after third reading. Deputy Leader of the Opposition, Senator **Noël A. Kinsella**, questioned the text of the message that informed the Commons that the Senate had divided Bill C-10 and had passed Bill C-10A. He asked if the Senate would follow the same procedure as 1988 when another message, also related to a bill that was divided by the Senate, was discussed. The Speaker ruled on December 4 that points of order could be raised on the content of the message but that a message was not a debatable motion. What happened in 1988 was, in

his view, an exceptional occurrence. In this case, he declared the message on Bill C-10 in order.

This led to points of order on the content of the message. Some Senators argued that the message was flawed because it sent back a complete bill when in fact the committee had dealt with only a part of the bill. The Speaker based his opinion on rulings given in 1988 on similar subjects and found the message on Bill C-10 to be correct.

Finally, on another point of order, the Speaker was asked to clarify the location of Bill C-10. He reasoned, in his ruling on December 9, that from the point of view of the House of Commons Bill C-10 was the only bill in existence. For the moment, the Senate was in a position of waiting for a decision from the House of Commons as to whether it agreed to the division of its bill.

Kyoto Protocol

The Senate made every effort to accommodate the commitment made by Prime Minister **Jean Chrétien** to ratify the Kyoto Protocol on Climate Change by December 31, 2002. Debate on the motion asking the Senate to call upon the government to ratify the Kyoto Protocol was intense as Senators presented their opinions and concerns. Some approved of the principle of the accord and anticipated further opportunities for debate on the enabling legislation when and if it was required. Others did not agree with the process and argued that by approving the motion, the Senate was bound to the enabling legislation that would follow ratification. Prior to the motion adopted on December 12 an amendment was made urging cooperation between the Provinces, Territories and the Federal Government.

Committees

Although the content of the Second Report of Legal and Constitutional Affairs Committee was the subject of a great deal of discussion in the Chamber, other committees also presented reports for the approval of the Senate.

The First Report of the Scrutiny of Regulations Committee on the committee's permanent order of reference was adopted by the Senate on December 5. Two reports from the Rules, Procedures and the Rights of Parliament Committee were presented as well. In its Fifth Report, adopted on December 10, the committee recommended an amendment to Rule 95(3) in order to clarify the procedure when a committee wants to meet during an adjournment of the Senate that exceeds a week. On December 5, the Senate approved the Sixth Report which amended Rule 86(1)(o) to change the name of the Fisheries Committee to the Fisheries and Oceans Committee.

Several major committee reports were also tabled in the Senate. On December 11, the Transport and Communications Committee tabled its Third Report entitled *Intercity Bus Service in Canada* which concluded the committee's study, begun in the First Session of the Thirty-Seventh Parliament, of public policy issues relating to the bus industry. As a key means of transportation, the committee recommended ways to maximize the full potential of bus service in Canada.

The Banking, Trade and Commerce Committee determined that a limited number of bank mergers would enhance Canada's growth and prosperity but this could only happen if the federal government diminished its power to reject mergers. The report, entitled *Competition in the Public Interest: Large Bank*

Mergers in Canada, was tabled in the Senate on December 12.

Also on December 12, the Social Affairs, Science and Technology Committee reported on its examination of the document entitled *Santé en français-Pour un meilleur accès à des services de santé en français*. The committee's Seventh Report recommended ways of improving access to French language health care service in Canada's Francophone and Acadian communities.

The Fourth Report of the National Security and Defence Committee was tabled on December 12. It urged the Government of Canada to reconsider the proposal of the Valiants Group to erect statutes in downtown Ottawa in commemoration of valiant men and women during wartime.

Although the National Security and Defence Committee found some improvements in screening passengers at airports, it still identified major security lapses behind the scenes in the Canadian travel industry. Its report entitled *The Myth of Security at Canada's Airports* was tabled with the Clerk of the Senate on January 21.

Other committees presented reports of a more routine nature for adoption by the Senate. The Senate approved budgets that permitted the Energy, the Environment and Natural Resources Committee, Agriculture and Forestry Committee, Transport and Communications, Foreign Affairs Committee, National Security and Defence Committee, Aboriginal Peoples Committee, Banking, Trade and Commerce Committee, Fisheries and Oceans Committee, Human Rights Committee, Internal Economy, Budgets and Administration Committee and Official Languages to conduct special studies on a variety of subjects.

Speaker's Rulings

On December 12, Senator **Leo Kolber**, Chair of the Banking, Trade and Commerce Committee, rose on a question of privilege concerning the unauthorized disclosure of the committee's report on bank mergers before it was tabled in the Senate. The Speaker ruled on that day that the leak of a document constituted a prima facie case of privilege. Following the newly established practice with respect to the unauthorized disclosure of committee reports, the Speaker suggested that the next step would be for the Banking, Trade and Commerce Committee to investigate and report to the Senate before considering further action.

During debate for the adoption of the Second Report of the National Finance Committee, Senator **Anne Cools** raised a point of order. She contended that by adopting the committee report the Senate was by implication also adopting the Supplementary Estimates contained in that report. She was concerned that the Estimates referred to the National Finance Committee were no longer correct since they had been amended in the House of Commons after being sent to the Senate committee. Other Senators participated in the debate on the question of whether the Senate was being asked to vote on the Estimates or simply on the study made by the National Finance Committee. The Speaker found no point of order in his ruling later that day. In his view, the committee had fulfilled its obligation to discuss and report on the Estimates. Debate on the Estimates concurred in by the House of Commons would occur during the Senate's consideration of Bill C-21, the interim supply bill.

Royal Assent

Royal Assent was given to the following bills on December 12 by Governor General **Adrienne Clarkson**:

- S-2, *Tax Conventions Implementation Act*, 2002
- C-14, *Export and Import of Rough Diamonds Act*
- C-11, *An Act to amend the Copyright Act*
- C-21, *Appropriation No. 3*, 2002-03
- C-8, *Pest Control Products Act*
- C-5, *Species at Risk Act*

Usher of the Black Rod

Terrance J. Christopher, a retired Lieutenant-Commander, was appointed Usher of the Black Rod of the Senate on December 3.

Mary Mussell
Senate Journals



Newfoundland and Labrador

The Spring sitting of the House of Assembly adjourned *sine die* on May 22nd, 2002. The House reconvened on June 18th for an unusual, but not unprecedented, special sitting to debate a Resolution concerning the Statement of Principles relating to the development of the nickel deposit at Voisey's Bay in Labrador. The Members agreed to special rules for the debate which was conducted over a three-day pe-

riod and lasted for approximately twenty hours. The Resolution was approved by the House with all Government Members, one Member of the Official Opposition and one Member of the New Democratic Opposition voting with the yeas. All other Opposition Members voted against the motion.

On July 24th a by-election took place in the District of Bonavista North. The seat was won by **Harry Harding** representing the Official Opposition. The Liberal candidate was **Beaton Tulk** who had resigned the seat to run in the federal by-election in Gander-Twillingate.

The House lost a Member on August 2nd when **Robert French** died suddenly and prematurely. Mr. French had represented the District of Conception Bay South since 1996.

In the by-election on November 12th **Terry French** was elected in the district succeeding his late father.

The Province now has a Child and Youth Advocate in the person of retired provincial court judge **Lloyd L.W. Wicks**. The creation of this office was a recommendation of the Select Committee on Children's Interests chaired by **Patt Cowan**, who was then the Member for Conception Bay South, which was tabled in 1996. Mr. Wicks officially took office on September 16th.

The Province experienced the withdrawal of services of physicians from October 1st to October 17th. In December the House passed legislation to give effect to the agreement made between government and the physicians to resolve the dispute.

As of November 1st the Province has a new Lieutenant Governor. **Edward M. Roberts**, Q.C. succeeded **A. Maxwell House** who had occupied the office since 1997. The new occupant of the office has considerable experience of the workings of government having served in the House of Assembly for over

22 years on both sides of the Speaker's Chair.

The House conducted a second special debate during this sitting. On November 21st Members debated a Resolution concerning the proposed imposition of a moratorium on the cod fishery in NAFO regions 2J3KL and 4RS3PN. The Resolution passed unanimously and resulted in two meetings between provincial Members and federal Members and officials.

The House passed 20 Bills in the fall sitting including an amendment to the *Highway Traffic Act*, yet to be proclaimed, prohibiting the use of hand-held cellular telephones by drivers while operating a motor vehicle. Newfoundland and Labrador is the first jurisdiction in the country to introduce such legislation.

On December 19th, 2002, the House adjourned for the Christmas break following the granting of Royal Assent by His Honour the Lieutenant Governor.

Elizabeth Murphy
Clerk Assistant



Saskatchewan

The Third Session of the 24th Legislature was reconvened on December 9, 2002 for a short eight day winter session. The normal House procedures presented a challenge in enabling the Members from achieving their objectives during the short time frame. As a result an agree-

ment was reached between the Government and the Opposition that set out a schedule for the business to be conducted.

The first order of business was the tabling of the Final Report (with Addenda) of the Electoral Boundaries Commission. The Commission conducted hearings around the province during 2002 and prepared a report that ensured that no constituency (the two northern constituencies excepted) was more than plus or minus 5% larger or smaller than any other constituency. The total number of constituencies remained unchanged although the boundaries were redrawn. One rural riding was cut to create a new constituency north of Saskatoon. A debate ensued and the report was approved and adopted with only three dissenting votes. This was immediately followed by the introduction of *The Representation Act, 2002*, which constituted the final step in establishing new constituency boundaries in Saskatchewan. The swift passage of the Act ensures that the new boundaries will be in force for the next provincial election.

The bulk of the session was devoted to debating a series of emergency motions on topical issues. The first debate concerned the Kyoto Protocol and its impact on Saskatchewan. **Eldon Lautermilch**, the Minister of Industry and Resources, moved a motion setting out the Assembly's support for the 12 principles adopted by the provinces and territories as a basis for negotiations with the federal government on a national climate change plan to address the Kyoto Protocol targets. The opposition responded with an amendment opposing ratification of the Protocol. After two days of debate, the amendment was defeated and the motion was adopted.

The next debate was on provincial finances. The Opposition finance critic, **Ken Krawetz**, moved

that the government adopt the Provincial Auditor's recommendation to use summary financial statements in its budgets documents. The government responded with an amendment indicating support for the current practice and recognition for the on-going steps taken to improve the accountability and transparency of the public finances. After a daylong debate, the motion as amended was adopted.

Independent Member, **Jack Hillson**, proposed the third motion calling on the government to call a general election within six months to avoid a costly by-election in the vacant Battleford - Cut Knife constituency. A lively debate ensued before the motion was defeated.

December 16th saw two resolutions adopted. The first expressed the Assembly's condemnation for all forms of racism, and in particular the comments made by **David Ahenakew**, an executive member of the Federation of Saskatchewan Indian Nations. The second resolution endorsed "... the positive vision for renewing universally accessible, publicly funded health care as presented in the Final Report of the Romanow Commission ..." and the progress made by the provincial government over the past year towards implementing its *Action Plan for Saskatchewan Health Care*. An Opposition amendment questioning the government's policies was defeated. The Leader of the Opposition, **Elwyn Hermanson** sponsored the first motion while Health Minister John Nilson proposed the second.

The sixth emergency debate took place on the final day of the session. The Opposition agriculture critic, **Donna Harpauer**, and **Clay Serby**, Minister of Agriculture, Food and Rural Revitalization led the debate on the situation facing farmers and the role played by the Saskatchewan Crop Insurance Program.

In a departure from normal practice, the Private Members' Bills Committee met during the December session to consider a petition from the Saskatchewan Wheat Pool to amend its *Private Act*. The committee agreed to dispense with the provisions of Rule 64, which stipulates that petitioners must file their request by the 20th sitting day. As the December sitting was a continuation of the earlier spring session, this Rule could not be complied with. However, the committee accepted the Wheat Pool's position that there were valid reasons not to delay consideration of the bill until the spring of 2003. The committee further recommended to the Assembly that the timelines laid out in Rules 71 to 83 should be modified to enable consideration and passage of the amending bill before the anticipated adjournment of the Assembly on December 18th. This was accepted by the House and the bill progressed through all stages, including the holding of public hearings, before receiving Royal Assent on December 18th.

The December session saw the Assembly bid farewell to one colleague while welcoming a new one. The Assembly observed a moment of silence in remembrance of **Rudi Peters** on December 9, 2002. Mr. Peters, the late member for Battleford - Cut Knife, passed away on November 30 after a battle with cancer. Colleagues on both sides of the House shared their thoughts and memories of Mr. Peters during a debate on a motion of condolence. Immediately afterwards, **Jason Dearborn** was welcomed into the Assembly as the newly elected Member for the constituency of Kindersley. He replaces **Bill Boyd** who resigned in the Spring of 2002.

On January 21, 2003, **Chris Axworthy** announced his intention to step down from his cabinet duties as Minister of Justice, Intergovern-

mental and Aboriginal Affairs. Later on February 17th, he resigned his seat in the Legislature. Mr. Axworthy had served as a Member of Parliament from 1988 until 1999. He was first elected to the Saskatchewan Legislature in a by-election and then re-elected in the subsequent general election. Mr. Axworthy's resignation and the release of a review of the Spudco potato venture prompted Premier **Lorne Calvert** to shuffle his cabinet on February 17th. Former Finance Minister **Eric Cline** assumed the portfolios of Justice and Industry and Resources. **Jim Melenchuk** took over as Finance Minister and was replaced as Minister of Learning by **Judy Junor**. **Eldon Lautermilch** moved to Intergovernmental Affairs and Aboriginal Affairs while Government Relations Minister **Ron Osika** added the Saskatchewan Property Management Corporation to his responsibilities.

Carrot River Valley MLA **Carl Kwiatkowski** passed away suddenly on February 2, 2003. Mr. Kwiatkowski was first elected in the 1999 general election and served as the Saskatchewan Party's critic for environment and deputy critic of labour. He had earlier served three terms as the mayor of Porcupine Plain. Mr. Kwiatkowski was noted for his work improving the lives and opportunities of individuals challenged by mental and physical disabilities.

The standings in the House are now 28 New Democrats, 24 Saskatchewan Party, 3 Independents and three vacancies.

Margaret (Meta) Woods
Clerk Assistant



Yukon

On November 30, 2002 the recently elected Yukon Party government's cabinet was sworn into office by Commissioner **Jack Cable** at a public ceremony in Whitehorse. In addition to his duties as first minister Premier **Dennis Fentie** assumed ministerial responsibility for the Executive Council Office, which includes responsibility for Devolution, Land Claims, the Women's Directorate, and the Youth Directorate. Mr. Fentie will also be the Minister of Finance. Other cabinet members include:

- **Peter Jenkins**, Minister of Health and Social Services and Minister responsible for the Yukon Workers' Compensation Health and Safety Board;
- **John Edzerza**, Minister of Education and Minister responsible for the Public Service Commission;
- **Elaine Taylor**, Minister of Business, Tourism and Culture, and Minister of Justice;
- **Archie Lang**, Minister of Energy, Mines and Resources; Minister responsible for the Yukon Development Corporation; and Minister responsible for the Yukon Energy Corporation;
- **Glenn Hart**, Minister of Infrastructure, Minister of Community Services, Minister responsible for the Yukon Liquor Corporation, Minister responsible for the Yukon Housing Corporation; and
- **Jim Kenyon**, Minister of Environment.

In addition to his ministerial responsibilities Mr. Jenkins has been named Government House Leader. **Patrick Rouble**, MLA for Southern Lakes, will serve as caucus chair, and **Brad Cathers**, MLA for Lake Laberge, has been given responsibility as caucus whip.

New Democratic Party leader **Todd Hardy** announced the Official Opposition's shadow cabinet on November 22, 2002. In addition to his responsibilities as party leader Mr. Hardy will take on critic responsibilities for the Executive Council Office, the Public Service Commission and the arts branch of Tourism. He will also share critic responsibility for the Department of Finance with **Eric Fairclough**.

Mr. Fairclough has also been assigned critic responsibilities for Health and Social Services, and the public schools branch of the Department of Education. He will share critic responsibilities for First Nations relations and Youth with **Lorraine Peter**.

Gary McRobb will take on critic responsibilities for the Department of Tourism (other than the Arts Branch), the Department of Energy, Mines and Resources, the Yukon Development and Yukon Energy Corporations, and for Transportation and Information & Communications Technology within the Department of Infrastructure.

In addition to her shared duties Mrs. Peter will be the Official Opposition critic for the Departments of Environment and Justice, and for the Women's Directorate.

Steve Cardiff has been given critic responsibilities for the Community Services department, advanced education, the property management and programs components of the Infrastructure department, the Yukon Workers' Compensation Health and Safety Board, the Yukon Liquor Corporation, the Yukon Lotteries Commis-

sion, and the Yukon Housing Corporation.

In addition to his critic responsibilities Mr. McRobb will continue as Official Opposition House Leader. Mrs. Peter will serve as caucus chair and Mr. Cardiff will be caucus whip.

New Speaker

On December 13, 2002 it was announced that Premier **Dennis Fentie**, seconded by the Leader of the Official Opposition, **Todd Hardy**, and the Third Party Leader, **Pat Duncan** (Liberal), would nominate **Ted Staffen** as Speaker when the Legislative Assembly convenes. Mr. Staffen will be the 22nd Speaker since the Yukon Territorial Council became a fully elected body in 1909.

New Legislature

On February 10, 2003 it was announced that the First Session of the 31st Legislature would convene on February 27, 2003.

Floyd McCormick
Deputy Clerk



Prince Edward Island

The Fourth Session of the Sixty-first General Assembly of Prince Edward Island opened on November 14, 2002, with the reading of the Speech from the Throne by **J. Léonce Bernard**, Lieutenant

Governor of Prince Edward Island. The sitting adjourned on December 18, 2002, after 19 sitting days. Prince Edward Island does not have a legislative calendar; however, the session is expected to resume in the late March-early April timeframe.

During the fall sitting 29 Government Bills were introduced, 28 of which received Royal Assent. Three of the more significant pieces of legislation considered by the House were:

- *Smoke-free Places Act* (Bill No. 11) which prohibits smoking in a workplace or public place unless it is carried out in an area designated for smoking in accordance with the Act. It requires the posting of signs respecting smoking and provides for the investigation of complaints by inspectors.
- *An Act of Amend the Family Law Act* (Bill No. 22) which replaces references to "a man and a woman" with references to either "two persons" or to a "common-law partner" with respect to domestic contracts.
- *An Act to Amend the Election Act* (Bill No. 23) which incorporates changes recommended by the Special Committee on the *Election Act* in its report tabled in the Legislative Assembly on April 24, 2001. These changes include replacing the enumeration process with a door-to-door confirmation process to facilitate the speedy completion of the list of electors, and allows electors confined to a hospital, community care facility or nursing home an opportunity to vote.

One Private Bill was introduced, *An Act to Amend the Anglican Church Act* (Bill No. 200), and it received Royal Assent.

A total of 95 written questions were submitted by the Leader of the Opposition.

Committee Activity

As reported in the Winter 2002-03 issue of *Canadian Parliamentary Review*, a decision from The Honourable Justice **Wayne D. Cheverie** stating whether two subpoenas issued by the Standing Committee on Agriculture, Forestry and Environment were valid and enforceable was expected by the end of 2002.

The background to the case is as follows.

The Standing Committee on Agriculture, Forestry and Environment was charged with the responsibility of conducting a full and complete examination of the events leading up to and subsequent to the discovery of potato wart fungus in the Province in October 2000. As part of its investigations, the Standing Committee invited two representatives from the federally-mandated Canadian Food Inspection Agency (CFIA) to appear before it on three separate occasions. All invitations were declined, and the Standing Committee took the unusual step of issuing warrants to compel their attendance.

The Federal Government made application to have the subpoenas stayed. The matter was heard on January 7, 2002, and an interim declaration was made, granting a temporary exemption to the CFIA officials from complying with the summonses. The case, with its implications for limiting inquiries between provincial governments and the Federal Government, drew the attention of the Speaker of the Legislative Assembly for Ontario who was granted intervener status.

On January 14, 2003, the challenge by the applicants, the Canadian Food Inspection Agency and two of its employees, against the authority of the legislative committee

to compel their attendance as witnesses was dismissed.

Justice Cheverie determined that committees of the Legislative Assembly are extensions of the Legislative Assembly itself and enjoy a constitutional power to compel the attendance of witnesses. This power exists notwithstanding the witnesses sought to be compelled to appear are employees of another level of government.

He stated, "It is my conclusion the Legislative Assembly of Prince Edward Island has the power to summon witnesses and order them to produce documents. This power is constitutional by virtue of the fact it is an exercise of inherent parliamentary privilege. The Committee of the House is an extension of the House and possesses the same constitutional power to summon witnesses and order them to produce documents. For reasons already given, I see no reason why the witnesses (the applicants Love and MacSwain) should be excused or exempt from the summonses. Finally the *Judicial Review Act* does not apply to a decision of the Committee. Therefore the application (from CFIA) and the application for judicial review are dismissed."

The complete text of the decision can be read at:
www.gov.pe.ca/courts/supreme.

Other Matters

Norman J. Carruthers, retired Chief Justice of the Supreme Court of Prince Edward Island, has been appointed to head the Prince Edward Island Commission on Electoral Review. The Commission is mandated to engage Islanders on the issue of electoral reform so that the *Election Act*, associated legislation and the manner in which the Legislative Assembly is selected contin-

ues to be relevant and effective. It is expected the Commission will present an interim report in the fall of 2003, with a final report due in 2004.

Ms. Karen Rose of Charlottetown was appointed Prince Edward Island's first information and Privacy Commissioner on November 19, 2002. The *Freedom of Information and Protection of Privacy Act* was passed by the Legislative Assembly in the Third Session of the Sixty-first General Assembly, and was proclaimed into force in November 2002.

Douglas B. Boylan was named the first recipient of the IPAC-Lieutenant Governor's Award for Excellence in Public Administration which recognizes outstanding contributions made on a sustained basis in the public sector. He was presented with the award by Lieutenant Governor **J. Léonce Bernard**, Premier **Pat Binns** and the P.E.I. regional group of the Institute of Public Administration of Canada on December 10, 2002. Mr. Boylan had a long and distinguished career in the provincial public service, serving as secretary to the cabinet and clerk of the executive council for 16 years. He also served as Clerk of the Legislative Assembly for three years and as Clerk Assistant for 18 years.

In 2001, to mark the sesquicentennial anniversary of Responsible Government on Prince Edward Island, the Premier, on behalf of Executive Council, requested that the Governor General grant the province the honour of a Full Achievement of Arms. Her Excellency agreed, and Her Majesty the Queen approved the use of the Royal Crown in the new Armorial Bearings.

On December 13, 2002, Premier Binns was joined by Governor General **Adrienne Clarkson**, and Lieutenant Governor **J. Léonce Bernard**,



in unveiling Prince Edward Island's Full Achievement of Arms.

The Full Achievement of Arms augments the shield of arms, granted to the province by King Edward VII in 1905, with the addition of a helmet, mantling, crest, supporters and compartment. It is rich in symbols of provincial identity, history and authority.

The helmet is golden and represents the province's co-sovereign status in Confederation. It sits above the mantling and wreath in the official colours of Canada. Atop the wreath, a blue jay—the provincial bird—holds a leaf of red oak and wears the Royal Crown. The Full Achievement of Arms incorporates the original coat of arms, featuring a large oak tree and three oak saplings, as its shield. Silver foxes, representing industry and ingenuity, serve as supporters. A Mi'kmaq star is centred at the base of the shield, surrounded by floral references to the Island's early European settlers, and flanked by Lady's Slippers—the provincial flower. The province's motto, *Parva sub Ingenti* (the small under the protection of the great) completes the design.

Marian Johnston
Clerk Assistant and
Clerk of Committees



When the Assembly adjourned on 19 December 2002, 37 public bills, 7 private bills and 4 public Members' private bills, had been passed since the resumption of proceedings on 15 October 2002.

Among the bills adopted were the following:

- the *Act to combat poverty and social exclusion*, whose object is to guide the Government and the community as a whole towards a process of planning and implementing actions to combat poverty and counter social exclusion. The bill establishes an advisory committee on the prevention of poverty and social exclusion, an observatory on poverty and social exclusion, and a fund to finance initiatives to fight poverty and social exclusion.
- the *Act to amend the Act respecting labour standards and other legislative provisions*, which provides in particular that the labour standards apply to domestics whether or not they reside with their employer. The labour standards will also apply, subject to the duration of the work, to all farm workers and to persons having custody or taking care of a child or a sick, handicapped or elderly person, unless the work is performed occasionally or as part of family or community assistance.
- the *Act to amend the Act respecting health services and social services as regards the medical activities, the distribution and the undertaking of physicians*, which introduces new measures concerning the preparation of the medical and dental staffing plans of institutions and the regional medical staffing plans of regional boards.

- the *Act respecting the Agence nationale d'encadrement du secteur financier*, which creates the Agence nationale d'encadrement du secteur financier, 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.

Rulings from the Chair

On 15 October 2002, at the first sitting of the fall parliamentary proceedings, the President **Louise Harel** read the directive that she had previously given in private concerning the distribution of main questions during *Oral Questions and Answers* in the House. This directive was given when, following the holding of by-elections, the number of independent Members rose from two to five, all of whom are from the same party. On the basis of jurisprudence and the statistics of the 34th Legislature, during which period the number of independent Members was essentially the same, the Chair decided to grant the independent Members two main questions per five sittings.

Madam President informed the Assembly of the principles that guide her as regards the distribution of main questions: any Member may ask a question; question period is set aside mainly but not exclusively for the Opposition; the recognition of parliamentary groups must be considered within these principles. The Chair also takes into account more specifically the preponderant role that the Official Opposition has in the exercise of parliamentary control and the membership of the Assembly.

Immediately after having rendered the decision concerning the distribution of questions, the Chair also elaborated on the impact that

the presence of five independent Members has on the distribution of items under Business Standing in the Name of Members in Opposition. The ruling states that, as prescribed in the Standing Orders, the President takes into consideration the presence of independent Members when determining the order in which these items of business are debated. Generally speaking, a motion standing in the name of an independent Member may be debated during a session. Given that 14 motions had been debated since the beginning of the session and that all had been moved by the Official Opposition, it was decided that an independent Member would be allowed to move a motion. However, since the Official Opposition must enjoy a preponderant position in the exercise of parliamentary control, the first motion of the fall parliamentary session was granted to a Member of this parliamentary group.

In a decision rendered on 3 December 2002, the Chair increased the ratio of questions that independent Members may ask during *Oral Questions and Answers* from two questions per five sittings to two questions per four sittings. This decision was made following the arrival, among the independent Members, of a Member who resigned from the parliamentary group forming the Government.

The ruling also specifies that the questions granted to the independent Members are for these Members as a group, regardless of their political affiliation. The manner in which the main questions are distributed devolves upon the independent Members. If more than one independent Member rises to ask a question, the Chair alternates among them as regards the granting of questions.

Appointment

On 29 October 2002, **Normand Jutras** was appointed Minister of Justice, thus succeeding **Paul Bégin**, who became an independent Member. Furthermore, **Serge Ménard**, who already was titular of Transport, added Public Security to his responsibilities.

9th Summit of the Francophonie

Mme Harel, who is also Chairman of the Assemblée parlementaire de la Francophonie (APF), tabled on 19 October 2002 an opinion from the APF concerning the dialogue of cultures before the heads of State and Government of 55 Francophone countries gathered together in Beirut within the framework of the 9th Summit of the Francophonie.

As stated in its *Charter* adopted at the Hanoi Summit in 1997, the Francophonie aspires to promote the development of the dialogue of cultures and civilizations and to bring peoples closer together through their mutual knowledge. The opinion thus proposes solutions in order to improve this dialogue.

Other Matters

The 13th General Assembly of the Ontario-Quebec Parliamentary Association (APOQ) was held in Toronto on 7 and 8 November 2002. Three working sessions were held during these two days. The first two dealt respectively with current political events in Ontario and in Quebec and on the St. Lawrence River, the management of its water levels, pollution and the economic impact related thereto. As regards the final session, discussions concerned the expectations of citizens with respect to their Members in the Internet age.

The National Assembly of Quebec hosted the *World Youth Parliament for Water* from 18 to 22

November 2002. This activity took place for the most part at the Station écotouristique Duchesnay (ecological resort), near Quebec City, and concluded with a parliamentary session at the Quebec National Assembly.

The *World Youth Parliament for Water*, which was organized in collaboration with the Quebec National Assembly and the International Secretariat for Water, united some 75 young people aged 14 to 18 years and hailing from 22 countries, from Africa, Europe, and North and South America. The forum proposed the participation of future generations in activities related to the conservation, protection and prudent use of one of our most precious common assets on earth: water. Moreover, it is in keeping with an educational process on solidarity and sustainable development as part of the preparatory phase of *International Freshwater Year 2003*.

During this week, the young participants developed a concrete proposal on a bill defining access to water and sanitation as a fundamental human right and selected five youth representatives who will attend the *World Assembly of Water Wisdom* that will be held during the *Third World Water Forum* in Kyoto in March 2003.

On 24 October 2002, the President of the National Assembly of Quebec unveiled an inuksuk on the grounds of the Parliament Building. Inuksuks were traditionally used as beacons by the Inuit of Northern Quebec. Built in the shape of a person, this inuksuk is over 2.5 metres tall and features stones from the four corners of Nunavik. The names of all of the Inuit communities are inscribed on the stones surrounding the inuksuk.

The National Assembly held three pedagogical activities designed for students. The Youth Par-

liament and the Student Parliament were held during the Christmas holidays, followed by the Student Forum, which took place from 6 to 10 January 2003. Some 350 young people from all levels of public and private educational institutions throughout Quebec took part in these parliamentary simulations. These young people discussed, among other subjects, bills concerning the reform of Quebec's electoral system, social housing, and, in view of the debates on the Kyoto agreement, the control of greenhouse gas emissions.

The professional and managerial staff of the Secretariat of the Assembly, the Secretariat of Committees, the Documentary Studies Directorate and the Parliamentary Procedure Research Directorate were invited to take part in training sessions on parliamentary procedure in Quebec.

The purpose of these 14 development sessions, totalling 42 hours, is to enable persons working in the parliamentary affairs sector to increase their knowledge of the organization and proceedings of the National Assembly. During these meetings, which will conclude in spring 2003, various topics will be discussed, more particularly: the foundation of parliamentary procedure, parliamentary privileges, the Chair, the parliamentary groups, order and decorum, the legislative process, and the standing committees. Each sitting begins with an oral presentation made by a senior clerk, followed by a period set aside for questions or exchanges, where each person can share his own experience with those present. The course structure is based principally on the volume entitled *La procédure parlementaire du Québec*, which was published in 2000 by the National Assembly and whose complete text (in French only) may be consulted

at the following Internet address:

<http://www.assnat.qc.ca/fra/Assamblee/Index.html>.

On 11 December 2002, the Office of the National Assembly approved a modification to the *Administrative Organization Plan of the Assembly* for the purpose of creating the Legislative Translation and Publishing Directorate. **Louise Auger**, translator-editor, was named director of this new administrative unit. Furthermore, last January, **Carole Lachance**, formerly from the Human Resources branch of the Transport Ministry, was named Director of the Human Resources branch of the Assembly.

Sylvia Ford

Secretariat of the Assembly

Standing Committees

On 19 November last, the Committee on Social Affairs concluded its general consultation on Bill 112, *An Act to combat poverty and social exclusion*. The public hearings took place over a period of 17 sittings and enabled the Committee to hear 132 of the 166 persons and organizations that had submitted a brief thereto. The Committee subsequently gave clause-by-clause consideration to the Bill, which was adopted by the Assembly in December.

In December, the Committee on Public Administration tabled in the National Assembly its ninth report on the accountability of deputy ministers and chief executive officers of public bodies. This report states the various mandates undertaken by the Committee since February 2002. The Committee examined personal income tax management, the first report on the implementation of the *Public Administration Act*, childcare services in the education sector, homecare

services which come under health and social services, as well as lodging services for persons with diminishing abilities.

During the months of January, February and March, several general consultations will be held. Among the subjects to be discussed by the Members, the document entitled *Proposal for Agreement-in-Principle of General Nature Between the First Nations of Mamuitun and Nutashkuan and the Government of Quebec and the Government of Canada* should be noted. The members of the Committee on Institutions will be hearing some sixty groups and individuals who are interested in this agreement. The Committee on Transportation and the Environment, for its part, will be examining the implementation of the Kyoto Protocol in Quebec, and the Committee on Public Finance will be examining the updating of the *Act respecting the Caisse de dépôt et placement du Québec*, the role of the Caisse, the relationship between the board of directors and the management of this organization, the organization's governing rules, and accountability.

Denise Léonard

Secretariat of Committees



Alberta

The Fall Sitting of the Second Session of the Twenty-Fifth Legislature adjourned on December 4, 2002 after 10 sitting days. At the

conclusion of the sitting, 9 Government Bills and 1 Private Members' Public Bill were passed by the Assembly. The only Government Bill left on the Order Paper was Bill 32, *Climate Change and Emissions Management Act*, introduced by Minister of Environment Dr. **Lorne Taylor**, which sets out goals, targets and actions for reducing greenhouse gas emissions.

Some of the Bills passed during the Fall Sitting were:

- Bill 30-2, *Adult Interdependent Relationships Act*, introduced by Minister of Justice and Attorney General **David Hancock**, lists the requirements for an adult interdependent relationship as well as the conditions for interdependent partner agreements. The Bill was originally introduced as Bill 30 just prior to the adjournment of the Spring Sitting and held over for further consideration in the fall. That Bill was substantially amended and introduced as Bill 30-2 after the Government House Leader requested and received the unanimous consent of the Assembly to remove Bill 30 from the Order Paper.
- Bill 31, *Security Management Statutes Amendment Act, 2002*, amends several statutes to enhance the protection of Alberta's infrastructure, industry, natural resources, and environment. The Bill was introduced in response to the findings of a security committee headed by **Halvar Jonson**, Minister of International and Intergovernmental Relations, following the events of September 11, 2001.

Bill 207, *Alberta Wheat and Barley Test Market Act*, sponsored by **Mark Hlady** (PC, Calgary-Mountain View). Under this legislation, the Minister of Agriculture, Food and Rural Development is authorized to enter into an agreement with the federal government and the Canadian Wheat Board for the purpose of establishing an open market, on a trial basis, for Alberta grown wheat and barley.

On November 28, 2002 **Brent Rathgeber** (PC, Edmonton-Calder) Chair, Select Special *Freedom of Information and Protection of Privacy Act* Review Committee, tabled the final report of the Committee. The report contained 62 recommendations which included:

the protection of personal banking and credit card information to support and encourage online transactions between public bodies and Albertans;— the development of criteria to guide how personal information in the motor vehicle registry is released and that this criteria balance fair information principles with the public interest;— establishment of the criteria for bringing a public body under the act in legislation rather than in policy; and— the harmonization of privacy legislation in the public and private sectors.

Privilege

During the Fall Sitting, two purported questions of privilege were raised. On November 19, 2002 a purported question of privilege was raised by **Hugh MacDonald** (Lib, Edmonton-Gold Bar) concerning a newspaper advertisement requesting submissions to an "MLA Committee" reviewing the *Labour Relations Code*. It was not a Committee of the Assembly but a "government" committee composed entirely of MLAs from the government caucus. The Member contended that the omission of the word "government" from its title implied that the committee was an all-party committee of the Assembly which constituted a contempt of the Assembly as it offended the authority and dignity of the House. The next day, Deputy Government House Leader and Minister of Gaming, **Ron Stevens** acknowledged that the word "government" should have been included in the

committee's title and apologized on behalf of the government. Speaker **Ken Kowalski** considered the matter resolved.

On November 26, 2002 **Debby Carlson** (Lib, Edmonton-Ellerslie) raised a purported question of privilege alleging partisan activities by the Speaker. Citing parliamentary precedents, the Chair indicated that the actions of the Speaker may not be criticized in debate except by way of substantive motion. The Member indicated she did not want to proceed with a motion and no further action was taken.

Spring Sitting of the Twenty-Fifth Legislature

The 3rd Session of the Twenty-Fifth Legislature commenced on February 18, 2003 with the Speech from the Throne read by Alberta's Lieutenant Governor **Lois E. Hole**. The Speech focused on the theme "A Bright Future for Our Children" indicating the government's commitment to a range of initiatives for youth and children. The priority was underscored by Bill 1, Premier's Council on *Alberta's Promise Act*, which is designed to bring together different sectors to further the well-being of children.

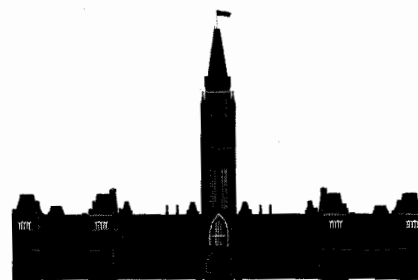
The Speech from the Throne also outlined other government initiatives including a new sustainability fund, more funding for classroom resources and electricity industry legislation. On the subject of federal-provincial relations, the Speech from the Throne indicated that Alberta's ability to be a partner in Canada was being compromised by the current federal government, which often does not listen to the people of this province." The Speech emphasized that "Albertans are concerned Canadians" who want to be full and equal partners in Canada.

Other Events

On November 25, 2002 the Assembly agreed to a resolution striking a Select Special Ethics Commissioner and Ombudsman Search Committee. The Committee was appointed due to the announcement of retirement of both the Ethics Commissioner of Alberta, **Robert Clark**, and the Ombudsman, Scott Sutton.

On February 10, 2003 the Alberta Legislative Assembly launched a new program called Mr. Speaker's MLA for a Day. The program will see high school students from each of Alberta's 83 constituencies participating in one of two interactive seminars intended to provide an in-depth look into a typical day as a Member of the Legislative Assembly. Mr. Speaker's MLA for a Day takes place March 13, 2003 and April 10, 2003, with each session including up to 42 participants from high schools across Alberta. Participants will observe the Assembly in session and take part in briefing sessions with the Speaker, MLAs and others.

Robert Reynolds
Senior Parliamentary Counsel
Micheline Gravel
Procedural Clerk



House of Commons

The period prior to and following the winter recess at the House of Commons saw the launch of a num-

ber of key legislative initiatives, including:

- Bill C-19 (*First Nations Fiscal and Statistical Management Act*);
- Bill C-22 (*An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion*);
- Bill C-23 (*Sex Offender Information Registration Act*);
- Bill C-24 (*An Act to amend the Canada Elections Act and the Income Tax Act*), and
- Bill C-25 (*Public Service Labour Relations Act*).

Bill C-24 (*An Act to amend the Canada Elections Act and the Income Tax Act*) proposes significant reforms to Canada's electoral and campaign finance laws and will no doubt be the subject of intense debate in the months ahead. Highlights of the bill include the introduction of a \$10,000 limit on individual contributions to registered parties and party leadership candidates as well as the prohibition of contributions from corporations, unions and associations to any registered party or leadership contestants. The bill provides for financial support to registered parties based on the percentage of votes garnered in the most recent general election.

Bill C-13 (*An Act respecting assisted human reproduction*), which was introduced in the Commons in early October, was reported back by the Standing Committee on Health in mid-December and is currently being debated at Report Stage, with amendments proposed from both sides of the House. The bill has been the subject of considerable debate both in committee and in the Chamber.

Also of interest was the introduction by the President of the Treasury Board of Bill C-25 (*Public Service Labour Relations Act*), a wide-ranging package of legislative reforms

aimed at renewing the legal framework for federal human resources management. If passed, the Bill will bring about the most extensive reform to the federal public service in 40 years.

Royal Assent was granted to both Bill C-5 (*Endangered Species Act*) and Bill C-8 (*Pesticides Act*) following stormy passage through both Houses prior to the December recess.

The complex legislative path of the firearms registry continued to preoccupy the House during this period as well. In December, the Senate sent a message informing the House that it had divided Bill C-10 (*An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act*) into Bills C-10A (which passed in the Senate without amendment) and C-10B (still under consideration). Procedural arguments ensued regarding the Senate's right to divide a bill passed by the House. A motion proposing that the House agree to waive its privileges in this specific case (not to be regarded as a precedent) was debated in December but had not been decided by the time the House rose for the winter recess.

Other matters that occupied the House over the late fall and early winter included the possibility of war with Iraq, the consideration of the Government's motion regarding the ratification of the Kyoto Protocol, the recreation of the Special Committee on Modernization and Improvement of the Procedures of the House of Commons, and the ongoing efforts to reach agreement on the reform of Private Members' Business.

Procedure and Privilege

A great deal of procedural wrangling occurred in relation to the Government's motion for ratification of the Kyoto Protocol, much of

it centred on the authority of the Government to ratify international treaties and the requirement for Parliamentary approval. Following several days of debate on the motion, the Government invoked closure and the motion was adopted (Yeas: 196; Nays: 77) on December 10th.

In addition to the procedural difficulties that arose in regards to the Government's legislative proposals related to the firearms registry, the tabling of the Government's Supplementary Estimates (A) on December 5th, which included \$72 million in additional funding for the firearms control program, gave rise to intense debate stemming from the observations made by the Auditor General in her report, tabled by the Speaker on December 3rd. Negotiations among the parties took place over the course of the last supply day on December 5th which resulted in a unanimous decision to reduce the amount of two Justice Department Votes, thereby removing the additional funding sought for the firearms program. The associated changes were made to the Appropriation Bill prior to its introduction later that day. The bill was subsequently passed on division.

On December 9th a question of privilege was raised by **John Reynolds** (House Leader for the Official Opposition) charging **Elinor Caplan**, the Minister of National Revenue, with contempt for her failure to table a report concerning fraudulent claims for GST refunds. In his ruling on the matter, the Speaker expressed concern that no effort had been made to consult Parliament at the time the change to Public Accounts reporting practices was made. The Speaker concluded that while not a procedural issue, the change did directly affect the right of Members to receive timely and accurate information.

Two incidents related to the use of unparliamentary language occurred prior to the holiday adjournment. On November 19th, **Yvon Godin** (NDP) raised a question of privilege regarding remarks made by **Jim Pankiw** (Ind.) in which he accused Members of the House of "hiding behind a white sheet" and being the equivalent of "Klansmen". On November 27th, the Speaker ruled that Mr. Pankiw had indeed used unparliamentary language and asked the Member to withdraw his comments. Mr. Pankiw refused and the Speaker told him that he would not be recognized in the House until such time as the remark was withdrawn. The following day, Mr. Pankiw apologized and withdrew the offending words. On December 6th, **Jacques Saada** (Lib.) rose to complain that **Yvan Loubier** (BQ) had used the word "liar" to describe **Lyle Vanclief**, the Minister of Agriculture and Agri-Food. The Deputy Speaker asked Mr. Loubier to withdraw his remarks. When the Member refused to do so, the Deputy Speaker named him for disregarding the authority of the Chair and asked him to withdraw from the House for the rest of the day.

Mr. Pankiw was involved in another question of privilege, this one involving an e-mail survey that he had sent to federal public servants regarding the Government's bilingualism policy. Mr. Pankiw rose on January 29 to allege that a breach of privilege had occurred when senior officials from several different government departments had directed their employees not to reply to the survey and to delete the Member's e-mails. In delivering his ruling on the matter on February 12th, the Speaker stated that he could find no contempt or breach of the Member's privileges as Mr. Pankiw's survey had not been conducted in the context of a proceeding of the House or one of its committees. The Speaker

noted that Mr. Pankiw's electronic communications had severely overloaded the e-mail systems in the House of Commons and in a number of government departments and agencies. He indicated that the House would be developing guidelines to ensure that similar situations do not occur in the future.

Committees

The Special Committee on the Non-Medical Use of Drugs tabled its final report on December 12. The report called upon the Government to establish a strategy to allow for the possession and cultivation of not more than 30 grams of cannabis for personal use, while recommending against the decriminalization of possession and trafficking.

The Standing Committee on Procedure and House Affairs commenced its study on the inclusion of a Code of Conduct as part of the Standing Orders of the House. It is anticipated that the Committee will table its report prior to the Easter break. The House Affairs Committee also commenced a study on security on Parliament Hill following the incident that occurred on November 19th during the unveiling of the portrait of former Prime Minister **Brian Mulroney**, where a protester approached both the former and current Prime Ministers, as well as other House officials.

Deputy Speaker **Bob Kilger** (Lib.) was named as the Chair of the Special Committee on Modernization and Improvement of the Procedures of the House of Commons, which was recreated following three days of take-note debate on procedural reform held November 20-22nd. The Special Committee is scheduled to report back to the House by the end of April and as its first order of business, turned its attention to the changes to Private Members' Business recommended by the Standing

Committee on Procedure and House Affairs. Over the fall, the Procedure Committee resumed work on the changes that it had proposed in its 66th report, tabled during the last session. In late October the Committee resubmitted its earlier recommendations as its 4th report of the new session. On November 6th the House concurred in that report and drafting of revised Standing Orders commenced immediately in order to have the new rules in place on a provisional basis when the House returned in late January. A final agreement on the new rules could not be reached however and the Committee subsequently recommended that the existing rules remain in place pending further consideration by the Special Committee on Modernization. It is anticipated that the Special Committee will attempt to finalize an agreement and report back to the House on Private Members' Business reform prior to the spring recess in early March.

Finally, a number of Standing Committee reports were tabled in the House prior to the December recess. These included:

- *Canadian Coast Guard, Marine Communication and Traffic Services* (Fisheries and Oceans);
- *Partners in North America: Advancing Canada's Relations with the United States and Mexico* (Foreign Affairs and International Trade);
- *Developments in the area of Official Languages in Canada and the work of the Canadian Radio-Television and Telecommunications Commission* (Official Languages);
- *Review of Statutory Instruments* (Joint Committee for the Scrutiny of Regulations); and
- *Air Travellers' Security Charge* (Transport).

Other Matters

On November 20, **Joe Clark** (PC) rose on a question of privilege to pay tribute to Ms. **Ellen Fairclough** on the occasion of her 98th birthday. Ms. Fairclough was a former Member of the House of Commons and the first woman named to a federal cabinet in Canada.

Paul Steckle (Lib.) was elected as chair of the Standing Committee on Agriculture and Agri-Food, replacing **Charles Hubbard** (Lib.) who was appointed as Parliamentary

Secretary to the Minister of Indian Affairs and Northern Development.

Two new Bloc Quebecois Members – **Roger Gaudet** (Berthier—Montcalm) and **Sebastien Gagnon** (Lac-Saint-Jean-Saguenay) were sworn in following by-elections held on December 9. The Bloc Quebecois also lost two members during this period. **Pierre Brien** left the caucus in January to sit as an Independent Member, declaring his intention to run in upcoming provincial elections in Quebec. **Michel Guimond** replaced Mr. Brien as

Party Whip and as a Member of the Board of Internal Economy. **Pierrette Venne** also left the Bloc caucus to sit as an Independent Member in early February, following differences with the party leader, **Gilles Duceppe**.

Nancy Hall

Procedural Clerk

Table Research Branch

House Proceedings and

Parliamentary Exchanges Directorate