



Legislative Reports



Ontario

The 3rd Session of the 37th Parliament ended on March 12, 2003 with prorogation of the legislature. In total, 32 Government Bills, 4 Private Members' Bills and 9 Private Bills were passed during the Session. Those attracting considerable attention included: the *Reliable Energy and Consumer Protection Act* (Bill 58), the *Electricity Pricing, Conservation and Supply Act* (Bill 210), and the *Accountability for Expenses Act* (Cabinet Ministers and Opposition Leaders) (Bill 216).

The *Reliable Energy and Consumer Protection Act* gives the Government the authority to sell its shares of the province's electricity distribution system, a publicly owned utility known as Hydro One. The legislation was introduced in response to a ruling by Mr. Justice Gans of the Ontario Superior Court of Justice, which held that under the *Electricity Act* 1998, the Government of Ontario did not have legal authority to relinquish public control of the corporation. This question was raised before the courts by the Communications, Energy and Paperworkers Union of Canada (CEP) and the Canadian Union of Public Employees (CUPE), shortly after the Govern-

ment announced its intentions to privatize. As of the time this report was written, no sale has been reported.

The *Electricity Pricing, Conservation and Supply Act* capped electricity prices for "low volume" users at 4.3 cents per kilowatt/hour until May 1, 2006. The legislation entitled designated consumers to a rebate on billings which exceeding 4.3 cents per kilowatt/hour since the deregulation of the electricity market on May 1, 2002. The Act also prohibited distributors from shutting off the distribution of electricity to a property until after March 31, 2003. This would ensure that customers with delinquent accounts would not be left without electricity during the winter months.

The *Accountability for Expenses Act* authorizes the Integrity Commissioner to review certain expenses of Cabinet Ministers, Parliamentary Assistants, Opposition Leaders and their staff, to determine if the expenses are allowable under the Act. It then requires that the Integrity Commissioner provide an annual report to the Speaker outlining his findings. The Act also amends the *Freedom of Information and Privacy Act*, to include the Legislative Assembly, but only in respect to records of reviewable expenses of the Opposition Leaders and their staff.

However, the most noteworthy event occurred during the recess, outside of the legislature. On March 27, 2003 the Minister of Finance, Janet Ecker, presented the 2003 Ontario Budget to an audience of 300 invited guests at a technical training

centre in the city of Brampton. (A copy of which was tabled with the Clerk of the House.) The budget presentation was also shown live via satellite in four other communities in Ontario with Cabinet Ministers on hand to answer questions.

The controversy surrounding the Government's decision to present the budget outside of the legislature elicited considerable debate and resulted in the Speaker seeking a legal opinion on the constitutionality of the Government's proposal. In a twenty-four page document, Neil Finkelstein, a leading constitutional lawyer, gave the opinion that a constitutional convention did exist, namely that the budget be presented in the legislature, but that it was unenforceable by law. This was a topic of significant debate when the House resumed on April 30, 2003.

Committees

The Standing Committee on Finance and Economic Affairs conducted pre-budget consultations in January and February of this year. The Committee held meetings in Toronto, as well as traveling to London, Sudbury, Thunder Bay and Ottawa. Presentations were made by a total of 111 witnesses, which included the Minister of Finance, economic and financial experts, representatives from various stakeholder groups and individuals. In addition, 32 written submissions were also received. A copy of the Committee's report was sent to the Minister of Finance for her consideration in the preparation of the

2003 Ontario Budget. The Chair will be tabling the final report in the Legislative Assembly when the House resumes.

Trevor Day
Committee Clerk



British Columbia

The opening of the Fourth Session on February 11, 2003 took place amid tight security and a noisy protest on the front lawn of the Parliament Buildings. New government initiatives announced in the Speech from the Throne include a provincial dialogue on crime, a congress for seniors and youth, a B.C. resort task force, and a revamped income-tested drug program. The government's plans for upgrading the transportation infrastructure in rural and northern communities and revitalizing the coastal and interior forest industry were also outlined, as well as its new strategy for opening up B.C.'s "heartlands" to economic growth. The Speech also contained a section on reconciliation with First Nations, in which the government expressed regret for "the mistakes that were made by governments of every political stripe over the course of our province's history."

On February 18th **Gary Collins**, Minister of Finance and Government House Leader, presented the 2003 Budget, predicting a deficit of

\$2.3 billion. While a balanced budget by fiscal 2004/05 remains the top priority, Mr. Collins announced that the government would maintain funding for health care, provide an additional \$143 million for education, and invest \$650 million in transportation infrastructure over the next three years, partly through a 3.5 percent per litre fuel tax increase. Other budget highlights included increases in the tobacco tax and higher residential school property taxes. The tax hikes and planned program cuts prompted the opposition critics to dismiss the government's fiscal plan as simply "voodoo economics and blacktop politics" that offered no relief for taxpayers in low- and middle-income brackets.

The legislative agenda has been heavy during the Spring Sitting. By the end of the reporting period, 38 public bills have been passed or are still under consideration. They will result in policy and administrative changes to a range of government activities – including access to investment capital, streamlining of court procedures and police records management, governance of the Royal British Columbia Museum and heritage sites, and the delivery of BC Hydro support services. During much of the debate on public bills, only the voice of the Leader of the Opposition, **Joy MacPhail**, has been heard, as her colleague **Jenny Kwan** has been on maternity leave since the second week of March.

A new *Auditor General Act* (Bill 9) was introduced early in the session, following an extensive consultation process. It replaces legislation first passed in 1979. The statute confirms practices that have evolved over the past two decades, defines the scope of audit coverage, supports the independence of the Auditor General and describes the roles of parlia-

mentary committees for overseeing the work of his office.

One piece of legislation not anticipated by the government was the emergency bill introduced on March 12, 2003 to deal with a labour dispute at the province's largest university. During first reading, the Speaker was asked by Ms. MacPhail to rule on whether under Standing Order 81 an urgent or extraordinary occasion exists wherein Bill 21, *University of British Columbia Services Continuation Act*, may be advanced through more than one stage in one day. In their arguments both House Leaders cited Speaker Barnes' ruling of April 26, 1996 that Standing Order 81 would not be applied where a Bill was too broad in scope. In response, the Speaker concluded that the limitation of the scope and duration of the Bill at hand distinguish it from the Bill considered by Speaker Barnes, and that the actions which Bill 21 is concerned with would have an immediate and detrimental effect on the academic year of a large number of students. Accordingly, he ruled that the case had been made for the application of Standing Order 81, enabling Bill 21 to advance through all stages in one day.

The long-awaited *Community Charter* has also been tabled in the House. The 150-page enabling bill proposes a major change in the relationship between the province and local governments. Bill 14 is the result of extensive consultation and planning over the past decade with municipalities, business sectors, community groups and labour unions. During the past year alone, since the White Paper was circulated, over 100 groups have made submissions.

When implemented at the end of 2003, the legislation will grant BC municipalities enhanced powers. Local councils will no longer need

provincial approval before implementing bylaws and developing policies on such matters as activities in a public place, road closures, and control of pets and firearms. The legislation also requires local councils to promote public participation in local decision-making. However, increased taxation powers have been withheld for now, pending a further government review of taxation. This delay in providing promised revenue sources prompted the opposition party to dismiss the new charter as "an American-style piece of legislation" that fails to protect municipalities from provincial downloading of responsibilities.

Another important piece of legislation is the *Coastal Ferry Act* (Bill 18). Its passage paved the way for the transformation of the province's ferry system, which has been run by the government for the past 45 years. BC Ferries, a taxpayer-supported Crown corporation, has been converted into a private company, BC Ferry Services Inc, which took over the operation of the ferries on April 1, 2003. Under the terms of the agreement negotiated with the province, the company has agreed to a cap on fare increases and to maintain existing routes at least for the first five years of the 60-year contract. The legislation establishes the regulatory framework, consisting of the BC Ferry Authority, an independent corporation that will govern the new company, and a government-appointed Ferry Commissioner to monitor ferry operators.

Near the end of March, three public bills were introduced to make sweeping changes to forest policy. The *Forestry Revitalization Act* (Bill 28) permits the province to take back 20 percent of the timber harvesting rights of major forest companies and to redistribute it to First Nations, forest-based communities,

woodlot holders and to increased timber auctions. The legislation authorizes \$200 million in compensation for licence holders, and an additional \$75 million for the BC forestry revitalization trust, to be paid out of the consolidated revenue fund.

As that money was allocated to the Forests ministry budget for 2002/03, the passage of Bill 28 was brisk, proceeding through all stages in the space of about 12 hours, spread over three days. It was introduced in the afternoon of Wednesday, March 26th. During second reading the next day, the Leader of the Opposition criticized the process, claiming that there was not enough time allocated for rigorous public examination of the legislation.

In an attempt to delay the committee stage, Ms. MacPhail raised a point of privilege on March 31st. She asked the Speaker to find Forests Minister **Mike de Jong** in contempt of parliament, and/or a conflict of interest, for sponsoring, debating and voting on a bill that he would derive a financial benefit from. She pointed out that section 11 of Bill 28 creates an exemption for the \$275 million added to the Forests operating budget for 2002/03 when it comes to determining the minister's salary. As a result, once the Legislature passed the bill, Mr. de Jong would receive the \$3,900 withheld under the ministerial accountability section of BC's balanced budget legislation.

The Speaker advised the House to continue with committee-stage debate on the *Forestry Revitalization Act*, pending his decision. Later in the day, he ruled that the minister, in presenting, debating and voting on Bill 28, was not in breach of any rule of the House, or of the precedents stating that where a matter of public policy is at the heart of a mea-

sure, personal and pecuniary interest is overridden. Soon after his ruling, and close to midnight on March 31st, the Legislature passed the *Forestry Revitalization Act*. Bills 27 and 29, which are also part of the government's overhaul of forest policy, are still under consideration.

One Private Members' Bill, sponsored by Ms. MacPhail, is under consideration this session. Bill M201, the *Fisheries Act Amendment Act, 2003*, seeks to balance environmental integrity with the economic realities of coastal communities, by ensuring that all future fish farms in the province use closed-containment systems, rather than open-nets. To date, the bill has not advanced beyond the second reading stage, during which several government Members have suggested that the bill's passage would result in the loss of aquaculture jobs in their ridings.

Privilege

On February 20, 2003, Speaker **Claude Richmond** delivered his reserved decision on the matter of privilege raised by Ms. MacPhail concerning the alleged disclosure of the contents of a report by the Chair of the Special Committee to Review the Police Complaint Process to the *Vancouver Sun* on May 28, 2002. He concluded that the information the Chair presented to the media concerning the resignation of the Police Complaint Commissioner was all in the public domain well before the Committee tabled its report to the House on May 30, 2002. Finding that there was no premature publication of confidential or in camera committee material, he ruled that the concern raised by the Leader of the Opposition did not constitute a *prima facie* matter of privilege.

Parliamentary Committees

On April 3, 2003, the House accepted the first report of the Special Committee of Selection, announcing the lists of Private Members to serve on the eight Select Standing Committees reappointed for the Fourth Session. Their membership has changed considerably from the previous two years; and in some cases, their size has increased from 11 to 13 members. Three committees (Crown Corporations, Finance and Government Services, Public Accounts) have already received their terms of reference. It is expected that the mandates of three other standing committees (Aboriginal Affairs, Education, Health) will be issued shortly.

The all-party Special Committee on the Citizens' Assembly on Electoral Reform has also been appointed. Its initial task is to review the nomination of Dr. **Jack Blaney** as chair of the new Citizens' Assembly and to report to the House whether the Committee unanimously endorses the said nomination. The Special Committee will also review and ratify the chair's subsequent selection of senior staff, as well as receive interim progress reports on the work of the Citizens' Assembly.

Recall Campaigns

On February 27, 2003 Elections BC announced that the petition to recall **Val Roddick**, MLA for Delta South, had failed to obtain the threshold of 11,949 signatures required under the *Recall and Initiative Act*. The Delta South recall petition is the first to proceed through the full signature verification process, and 9,999 were found to be valid out of the 13,168 signatures inspected.

Seven other recall campaigns have been undertaken recently.

During the last two weeks of April, Elections BC announced that recall petitions had failed in three Island and two interior ridings. The campaign to recall Premier **Gordon Campbell** has also been unsuccessful, according to the news media. The return date for the remaining recall petition in the Vancouver-Burrard riding is June 2nd.

Other Matters

At the beginning of the new fiscal year, the Legislative Assembly took over the function of event management and coordination on the Legislative Grounds and in the Parliament Buildings from the government. The Speaker may now grant permission for use of the buildings and grounds to the public for non-commercial events, performances and ceremonies.

Two initiatives have recently been completed in the province, under the Canada-BC general agreement on the promotion of official languages. The series of brochures on different aspects of the Assembly's work is now available in French. In addition, a new bilingual web page was launched in mid-March on the government web site to facilitate access to information and services for the estimated 65,000 francophones living in British Columbia. **Richard Stewart**, the MLA responsible for francophone affairs, announced this initiative in the House to mark the Journée Internationale de la Francophonie, a celebration held on March 20 every year.

Josie Schofield

Research Analyst
Office of the Clerk of Committees



At the general election held on April 14, 2003, the Quebec Liberal Party won 76 of the 125 seats. The Parti Québécois, which was in power before the election, now forms the Official Opposition with 44 Members. It won 1,268,678 votes, or 33.20% of the electorate. Though four Members were elected under the Action démocratique du Québec party, they will sit as independent Members, pursuant to the current rules, as they obtained less than 20% of the popular vote. For a parliamentary group to be officially recognized, it must have obtained at least 20% of the popular vote or have no fewer than 12 Members returned to the Assembly.

In total, 25 Members retired from politics before the holding of the election. There are 46 new Members out of 125. Furthermore, 37 women were elected, which represents eight more than at the last election. Of this number, 22 are Members of the Quebec Liberal Party, fourteen are of the Parti Québécois and one is of the Action démocratique.

A new election will be held on May 20 in the electoral division of Champlain owing to the equality of votes determined during the recount of the votes between the Parti Québécois candidate and Liberal Party candidate.

As announced by the **Jean Charest**, the parliamentary proceedings of the 37th Legislature will begin on June 3, 2003.

Signing of interparliamentary cooperative agreements with Niger and Wallonia

On January 13, 2003, at the meeting of the Office of the Assemblée parlementaire de la Francophonie, the National Assembly of Quebec and the National Assembly of Niger signed an agreement of interparliamentary cooperation. This agreement aims to redefine the challenges brought about by globalization, as well as to develop and intensify interparliamentary cooperation, for the mutual benefit of both Assemblies.

Two seminars on interparliamentary cooperation had already been held in February and March 2002, prior to the signing of this agreement. On the one hand, an exchange seminar with the parliamentarians from Niger dealt with the organization of parliamentary assemblies, the duties assigned to parliamentarians, the privileges and immunities granted to parliamentarians, and the institutional and administrative structure of parliamentary committees. On the other hand, a technical seminar was conducted to help consolidate the efficiency of the support work provided to parliamentary committees by the administrative personnel and to reinforce their skills in the drafting and interpretation of legislation.

On February 6, 2003, the National Assembly and the Walloon Parliament signed an interparliamentary cooperation agreement aiming to foster exchanges on issues such as land-use management, the environment, employment, the economy and the energy policy. Furthermore, it promotes the holding of subsequent meetings and, for this purpose, proposes the forming of a joint committee, composed of members of both institutions, whose operation will be included in an addi-

tional convention decided on by general agreement of the respective assemblies.

Young People's Parliament

On February 20 and 21, 2003, students in Secondary 3 and 4 came to the National Assembly to take part in the first legislature of the Young People's Parliament. This activity, which falls within the pedagogical objectives of the history and citizenship education programmes of the Education Ministry, enabled the 72 participants to become familiar with parliamentary procedure, the legislative process and the role of Members. This educational activity also provided the students with the opportunity to learn the basics concerning the operation of parliamentary institutions while fostering communication skills mastery and the development of attitudes and behaviour specific to active participation in public life.

Claudie St-Hilaire
Secretariat of the Assembly

Committees Report

Upon the conclusion of its mandate on population variance in Quebec's education sector, the Committee on Education tabled in the Assembly, on March 11, 2003, its final report containing thirty recommendations that were adopted unanimously by the Committee members and supported by the following main principles: ensure the quality of the education network throughout Quebec; adapt the institutions to the territory's imperatives; enable citizens to take an active part in the decisions concerning the maintaining or the closing of their school; respect

the jurisdictions of the various parties involved.

The Committee on Labour and the Economy carried out an order of initiative to examine the orientation, activities and management of the Innovatech du Québec agencies (Innovatech du Grand Montréal, Innovatech du sud du Québec, Innovatech Québec et Chaudière-Appalaches and Innovatech Régions ressources). Founded in 1992, these four venture capital corporations mainly support technological innovation projects in Quebec in the fields of information technology, telecommunications, biotechnology, pharmaceuticals, aeronautics, optics and new materials. After having met venture capital experts and heard the head officers of these four corporations, the Committee tabled, on March 11, 2003, its final report containing five recommendations. Among these, the following should be noted: that the Government allow Innovatech du Grand Montréal to leverage up to 50% of its capital from the private sector and that 20% of the portfolio of the four corporations be set aside for investments in Quebec regions that are outside of that which is defined in their charter in order to increase synergy.

Orders of the Assembly

In the previous issue of the *Review*, we had announced the mandates certain committees were to carry out during the winter at the request of the Assembly. From January to March, the Committee on Institutions held a general consultation on the 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 during which it heard 73 groups and indi-

viduals in relation to this issue. The Committee tabled its report in the Assembly on March 11, 2003.

The Committee on Transportation and the Environment held a general consultation on the implementation of the Kyoto Protocol in Quebec. Beginning on February 18, 2003, the Committee heard 40 groups and individuals, including a dozen American and European experts. The general election called on March 12, 2003 terminated this Committee mandate.

In autumn 2002, the Committee on Agriculture, Fisheries and Food had heard close to a dozen groups and individuals within the framework of a general consultation on the draft bill entitled *An Act respecting commercial aquaculture*, whose object more particularly was to provide a framework for aquaculture carried on for commercial purposes, for research or experimentation. Following these hearings, the bill was introduced in the Assembly at the beginning of December, considered in Committee in February, and the Committee report was tabled in the Assembly on March 11, 2003.

Finally, the Committee on Labour and the Economy held a general consultation in February 2003 on the report entitled *Pay equity: no more and no less*, tabled in the National Assembly by the Minister of Labour in December 2002. This document reports on the progress of pay equity measures taken in enterprises with 10 to 49 employees one year after November 21, 2001, the date on which they were to have completed the fiscal year and begun paying salary adjustments to workers. The *Pay Equity Act* obliges enterprises to carry out a comparative exercise of non-identical employment held by women and men, but having equivalent value. Approximately 34,000 enterprises with 10 to 49 employees are subject to this Act.

The Committee tabled its report in the Assembly on March 11, 2003.

Denise Léonard
Secrétariat des commissions
Translation by Sylvia Ford
Secretariat of the Assembly



Manitoba

The Manitoba Legislature resumed the Fourth and final Session of the 37th Legislature on April 22, 2003. The House sat for two weeks dealing exclusively with the debate on Finance Minister **Greg Selinger's** (St. Boniface) fourth budget.

The total operating expenditure for the 2003-2004 Budget came in at \$7.3 billion with a positive balance of \$10 million in accordance with balanced budget legislation. The budget committed \$96 million to pay down the debt and pension liability while drawing \$48 million from the Fiscal Stabilization Fund. The government allocated \$3 billion for health care and also provided support for a range of programs including a new Red River Floodway Authority to oversee expansion of the floodway around the city of Winnipeg.

The leader of the official opposition, **Stuart Murray** (Kirkfield Park), moved an amendment to the main motion expressing regret that the Budget ignored the present and future needs of Manitobans and failed to offer any vision for the province. The non-confidence motion was defeated at the end the

eight day debate on May 1, 2003 while the main budget motion was carried that same day.

All-Party Task Force

With the intention of soliciting opinions and input from Manitobans on the issue of smoking in public places, Minister of Health **Dave Chomiak** (Kildonan) recently struck an All-Party Task Force to examine how to deal with environmental tobacco smoke in public and work places. The Committee will conduct public hearings, accept written submissions and analyze policies aimed at reducing exposure to environmental tobacco smoke.

This initiative grew out of a Private Member's Bill introduced last session by **Denis Rocan** (Carman). With the unanimous consent of the House, the Bill was held over from the third to the fourth session of the 37th Legislature. During debate on Second Reading of the Bill last fall, Minister Chomiak first suggested that an all-party committee might study the issue further. This idea came to fruition in the form of the Task Force.

The Task Force consists of four government MLAs, two MLAs from the official opposition, and the Liberal MLA. The first public hearings were held in Virden and Brandon in April 2003, with more public hearings planned across the province in the future. While no further meetings have been scheduled due to the general election, the Task Force plans to resume its work later this year.

General Election

The 37th legislature was dissolved on May 2, 2002 after Premier **Gary Doer** met with Lieutenant-Governor **Peter Liba** to call a general election. The province's 38th general

election was held on Tuesday, June 3, 2003.

At dissolution the standings in the Manitoba House were 31 New Democrats, 24 Progressive Conservatives, one Liberal, and one vacancy. Manitobans last went to the polls in a 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. Business sessions will be held in the Manitoba Legislative Chamber and at the historic Hotel Fort Garry in downtown Winnipeg.

Rick Yarish

Clerk Assistant and
Clerk of Committees



Prince Edward Island

On Tuesday, April 8, 2003, the Fourth Session of the Sixty-first General Assembly re-opened for the Spring Sitting.

The budget was presented on Thursday, April 10, 2003, by **Pat Mella**, currently Canada's longest-serving Provincial Treasurer. Health and Social Services expenditures continued to account for the largest share of the provincial budget at \$412 million, or 39.2% of the total expenditure of just over one

billion dollars; followed by Education at \$218.5 million, or 20.8% of the total. Tax measures included raising the health tax on tobacco by seven dollars per carton of 200 cigarettes, and elimination of the provincial property tax on non-commercial facilities owned and operated by the Royal Canadian Legion.

Committee Activity

The Standing Committee on Public Accounts met several times to consider the rising cost of electricity rates in the Province, inviting **Michael Currie**, Minister of Development and Technology; and **Jim Lea**, President and Chief Executive Officer of Maritime Electric Co. Ltd. to appear before it on one occasion. The Standing Committee has tabled its interim report and sought, and was granted, permission to meet intersessionally to conclude its investigations.

The Standing Committee on Social Development was directed by the Legislative Assembly in April 2002 to solicit public input on the topic of bullying. The Standing Committee sent letters to all school principals and advertised in newspapers across the province, inviting the public to share their issues and concerns. Response, including interest by the media, was strong and immediate. In total, the Standing Committee heard 61 presentations and received 28 written submissions. Standing Committee members received numerous telephone calls, e-mails and personal contacts which served to reinforce the importance of this issue to the people of the province. There was a high degree of consistency in the recommendations put forward for the Standing Committee's consideration, the two most common of which were to increase the number of guidance counsellors in schools,

and to hire a provincial coordinator to support and coordinate violence prevention programs. The Committee tabled its report *Addressing Bullying: It Takes the Community* on May 8, 2003. It is available on-line at www.assembly.pe.ca

Considerable community comment surrounded the recent re-appointment of **Mr. George S. Kells** as chairperson of the Prince Edward Island Human Rights Commission. The controversy stemmed from a commentary by Mr. Kells which appeared in *The Guardian* newspaper, where he expressed his views on the future direction of Canada's foreign policy. The Standing Committee on Social Development met with Mr. Kells, as well as with the President of the Prince Edward Island Federation of Labour and the President of the local Council of Canadians—two of the most vocal critics of Mr. Kells' public comments—to determine a course of action. After considering the evidence, the Standing Committee recommended to the Legislative Assembly that Mr. Kells be re-appointed to the Human Rights Commission for a term to expire February 2006. It also suggested a code of conduct be established for the guidance of commissioners, and that a statutory change be considered to allow for the provision of a vice-chairperson to the Human Rights Commission.

The Standing Committee on Community Affairs and Economic Development is continuing its investigation into the challenges of attracting new workers to the trades sector. In December 2002, the Committee was charged with the responsibility of holding public hearings on the topic, studying the issue and reporting their findings to the Legislative Assembly. To date, the Standing Committee has met with representatives of educational institutions; federal, provincial and

municipal governments; sector councils; various trade unions; and students registered in apprenticeship programs in the province. The Standing Committee will table its interim report in this sitting and seek permission to conclude its examinations intersessionally.

Appointments

In April, the Office of the Assembly hired a new Hansard Editor. The position was advertised in Prince Edward Island and through our website resulting in Mr. **Jeff Bursey** of Charlottetown being identified as the successful applicant. Jeff has a MA (English) from Memorial University and brings with him a wealth of writing and editing experience, including ten years with the Hansard Division of the House of Assembly in St. John's. Also of note, Jeff served as editor of *Minding the House: A Biographical Guide to Prince Edward Island MLAs 1873-1993* published in 2002. His knowledge of parliamentary proceedings and of former Members of the Legislative Assembly will serve him well as he embarks on his new responsibilities at the House.

Marian Johnston
Clerk Assistant and
Clerk of Committees



Yukon

The 2003 Spring Sitting of the Yukon Legislative Assembly began on February 27 and ended on May 1.

This sitting opened the First Session of the 31st wholly elected Yukon Legislature and was the first appearance in the Assembly for the Yukon Party government elected on November 4, 2002.

The first order of business on February 27 was the election of the Speaker. Premier **Dennis Fentie** (Watson Lake, Yukon Party) moved that **Ted Staffen** (Riverdale North, Yukon Party) be elected Speaker. The motion was adopted. Once the Speaker had been elected Commissioner **Jack Cable** entered the chamber to deliver the Speech from the Throne. Following the Speech from the Throne, and before the Speaker called the House to order for the conduct of its regular business, former Speaker **Sam Johnston** (1985-1992) offered the prayer and a few words, in English and Tlingit.

On March 3 the Assembly elected its other presiding officers. **Patrick Rouble** (Southern Lakes, Yukon Party) was elected Deputy Speaker and Chair of Committee of the Whole. **Dean Hassard** (Pelly-Nisutlin, Yukon Party) was elected Deputy Chair of Committee of the Whole. March 3 also marked the first of three days of debate on the Address in Reply to the Speech from the Throne.

On March 6 Premier Fentie gave his first budget speech. The appropriation called for in Bill No 4, *First Appropriation Act, 2003-04*, totalled \$555.434 million, the third largest budget in the Yukon's history.

Legislation and Devolution

Standing Order 74 requires the government "introduce all legislation, including Appropriation Bills, to be dealt with during that Sitting by the fifth sitting day." The government fulfilled this requirement, introducing 18 bills by March 6. With all legislation tabled house leaders then had two sitting days to negotiate the

length of the Sitting. On March 11 **Peter Jenkins** (Klondike, Yukon Party), the government house leader, announced to the Assembly that the house leaders had agreed that the sitting would last sit 36 days, the final sitting day being May 1.

On March 20, 2003 Commissioner Cable granted assent to six bills. The *Interim Supply Appropriation Act, 2003-04* provided the government with \$221.957 million to cover operating costs for April and May.

The granting of assent to the five other bills - the *Placer Mining Act*; the *Quartz Mining Act*; the *Territorial Lands (Yukon) Act*; the *Waters Act*; and the *Environmental Assessment Act* - was particularly significant. Since 1996 the Yukon Government and the Government of Canada have been negotiating the devolution to the territory of federal jurisdiction over land and resources, areas of authority formerly administered by the Department of Indian Affairs and Northern Development. These negotiations formed part of a broader initiative that was to result in the proclamation of a new *Yukon Act*, the federal legislation that functions as the territory's constitution.

With the new *Yukon Act* scheduled to take effect April 1, 2003 the Yukon Government required the statutory authority to govern these new areas of jurisdiction. These five bills provide that statutory authority. They are 'mirror' legislation in that they are in form and content identical to the federal statutes they replace. This transfer of responsibility also entailed the transfer of more than 200 employees from the federal government to the territorial government.

In addition to this transfer of authority the new *Yukon Act* modernizes the language of the former act. For example, the term Legislative

Assembly, rather than Territorial Council, is recognized in law. The new act also strengthens the legal basis of responsible government by stating explicitly that the Commissioner is to act only with the consent of the Executive Council. The Commissioner must still act in accordance with written instructions from the federal minister. However the act also provides that this seldom used provision will expire in 2013.

On April 7 Commissioner Cable returned to the Legislative Assembly to grant assent to three more bills:

- *First Nation Indemnification (Fire Management) Act*,
- *Act to Amend the Forest Protection Act*,
- *Act to Repeal the Government Accountability Act*.

On May 1 Commissioner Cable granted assent to the nine remaining bills:

- *Act to Amend the Fuel Oil Tax Act*;
- *Act to Amend the Income Tax Act*;
- *Act to Amend the Territorial Court Act*;
- *Act to Amend the Supreme Court Act*;
- *Act to Amend the Municipal Act*;
- *Fourth Appropriation Act, 2001-02*;
- *Third Appropriation Act, 2002-03*;
- *Act to Amend the Pioneer Utility Grant Act*;
- *First Appropriation Act, 2003-04*.

There was one private member's bill introduced in this sitting. On March 3, **Pat Duncan**, (Porter Creek South, Liberal), the Leader of the Third Party introduced Bill No. 101, *An Act to Amend the Taxpayer Protection Act*. The bill was not otherwise proceeded with.

Members Removing themselves from Ddebate

Standing Order 9(1) says, "No member is entitled to vote upon any question in which the member has a direct pecuniary interest." Section 16(1)(c) of the *Conflict of Interest (Members and Ministers) Act* says, in part, "A Member or Minister who is, or would be, in conflict of interest in a matter before the Legislative Assembly...may remove the conflict by...abstaining from voting on the matter and from participating in the debates or consideration of the matter..." There were three instances during this sitting where Members removed themselves from debate to avoid the appearance of conflict of interest.

Cabinet minister **Glenn Hart** (Riverdale South, Yukon Party) and Speaker Staffen left the Assembly whenever Bill No. 28, *Act to Amend the Fuel Oil Tax Act* was under debate. The act provides relief from fuel taxes to businesses that use vehicles that do not travel on public roads. The amendments to the act extended existing exemptions to golf courses and sawmills. Mr. Hart is part owner of a Whitehorse golf course. Speaker Staffen owns shares in a sawmill near Watson Lake.

On April 24 two other cabinet ministers, Mr. Jenkins and **Archie Lang** (Porter Creek Centre, Yukon Party), removed themselves from the Assembly during debate on motion No. 56. The motion urged the government to garnishee a portion of their ministerial salary as part of the repayment of loans owed to the government by corporations in which Mr. Jenkins and Mr. Lang have an interest. The motion was defeated.

During Question Period on May 1 the Minister of Justice, **Elaine Taylor** (Whitehorse West, Yukon Party), answered questions posed

to Mr. Hart, the minister responsible for the Yukon Liquor Corporation, regarding proposed amendments to the *Liquor Act*. Ms. Taylor answered those questions as changes to the act could affect the operation of the golf course in which Mr. Hart has an interest.

Committee Appointments

Standing Order 45(2) provides that "At the commencement of the first Session of each Legislature a Members' Services Board with the Speaker as Chair shall be appointed." On March 25, 2003 the Assembly adopted a motion appointing Speaker Staffen and four other members to the MSB. The other members are Premier Fentie, Mr. Jenkins, **Todd Hardy** (Whitehorse Centre, NDP), the Leader of the Official Opposition, and Ms. Duncan.

On the same day the Assembly adopted motions appointing members to three standing committees, as required by the Standing Orders.

Premier Fentie, Mr. Hardy, Ms. Duncan, Mr. Jenkins, Mr. Rouble, and **Eric Fairclough** (Mayo-Tatchun, NDP) were appointed to the Standing Committee on Public Accounts. At its first meeting on May 6 the committee received official notice that Mr. Hassard would permanently substitute for Premier Fentie on the committee. At that meeting the committee chose Mr. Hardy as its chair and Mr. Rouble as its vice-chair. The committee is scheduled to meet with officials from the Office of the Auditor General of Canada on May 23.

Mr. Hardy, Ms. Duncan, Mr. Jenkins, Mr. Hassard, **Gary McRobb** (Kluane, NDP), **Brad Cathers** (Lake Laberge, Yukon Party), and **Haakon Arntzen** (Copperbelt, Yukon Party) were appointed to the Standing Committee on Rules, Elections and Privileges.

The committee first met on March 28 and chose Mr. Hassard as its chair and Ms. Duncan as its vice-chair.

Mr. Cathers, Mr. Jenkins, Ms. Duncan and **Lorraine Peter** (Vuntut Gwitchin, NDP) were appointed to the Standing Committee on Statutory Instruments. This committee has yet to meet.

Standing Order 45(3.1) also provides that a Standing Committee on Appointments to Major Government Boards and Committees may be appointed. No members have been appointed to this committee.

Special Sitting in Mayo

On April 9 the Legislative Assembly debated and adopted Motion No. 8, sponsored by Ms. Duncan. The motion urged the Assembly to hold a special sitting in the village of Mayo in recognition of that community's centenary. The business to be conducted during the special sitting, scheduled for June 12, has not been decided upon.

The special sitting in Mayo will mark the first time the Assembly has convened outside Whitehorse since 1998. At that time the Assembly gathered in the territory's original capital, Dawson City, to commemorate the 100th anniversary of the *Yukon Act*. The special sitting in Mayo will mark the first time that the Assembly has sat in a community other than Whitehorse or Dawson City.

Parliamentary Conferences

Speaker Staffen will lead a contingent of five members to the Commonwealth Parliamentary Association regional conference in Victoria, BC in July. Other delegates include Mr. Arntzen, Mr. Cathers, Mr. Fairclough and Mr. McRobb.

Speaker Staffen will also attend the CPA international conference in Dhaka, Bangladesh in October 2003.

2003 Fall Sitting

The Assembly is scheduled to reconvene in the fall. The opening date for the sitting has not been announced but will likely be in late October or early November. Standing Order 75(1) limits the Assembly to 60 sitting days per year (exclusive of special sittings). So though the opening date for the sitting is not known, the sitting will last a maximum of 24 sitting days.

Floyd McCormick
Deputy Clerk



Alberta

The Spring Sitting of the Third Session of the Twenty-Fifth Legislature adjourned on May 15, 2003 after 46 sitting days. At the conclusion of the sitting, 36 Government Bills, 3 Private Members' Public Bills and 2 Private Bills were passed by the Assembly. Nine Government Bills were left on the Order Paper.

Government Bills

Some of the Bills passed during the Spring Sitting include:

- Bill 3, *Electric Utilities Act*, introduced by **Mel Knight** (PC, Grande Prairie-Smoky), addresses a number of issues related to the structure of the industry by establishing an independent sys-

tem operator (ISO), combining the functions of the Power Pool and transmission administrator into one organization and allowing energy companies to align electricity and natural gas so that consumers are given a choice in a competitive market place. The Bill also provides for an independently governed Balancing Pool and gives the Energy Utilities Board wider powers, including the ability to enforce service quality standards and levy fines in special circumstances.

- Bill 19, *Gas Utilities Statutes Amendment Act, 2003*, introduced by **Luke Ouellette** (PC, Innisfail-Sylvan Lake), increases retail competition for natural gas retailers and utility companies, aligns the retail natural gas and electricity markets and allows both commodities to be marketed together, and enables firms other than utility companies to provide regulated gas supply service to consumers.
- Bill 27, *Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003*, reduces the number of bargaining units in the nine newly restructured Regional Health Authorities. The Bill also reduces the number of collective agreements from 400 and amalgamates the agreements into four bargaining units: nursing, auxiliary nursing, technical professionals and support staff. Other provisions remove nurse practitioners from collective bargaining and remove the ability of health care employees, not already so prevented, from striking.
- Bill 42, *Electoral Divisions Act*, sets out boundaries for 83 constituencies based on the final report of the Electoral Boundaries Commission, which was approved by motion of the Assembly on April 14, 2003. Government amendments were introduced at Committee of the Whole stage. **Debby Carlson**, Official Opposition House Leader, indicated during Committee of the Whole consideration on May 13 that the Official Opposition did not support the process for bringing forward amendments to the Bill and

would not be participating at the Committee stage.

Some substantial Bills were introduced late in the session to be held over until the fall. These include:

- Bill 43, *Post-Secondary Learning Act*, combines and updates four Acts dealing with post-secondary education and establishes a Campus Alberta Board of Accreditation.
- Bill 44, *Personal Information Protection Act*, establishes rules for personal information held by private businesses including employee information.
- Bill 45, *Family Law Act*, consolidates several provincial statutes on family law and updates the law in the area.

Private Members' Public Bills

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

Bill 201, *Emblems of Alberta (Grass Emblem) Amendment Act, 2003*, sponsored by **Don Tannas** (PC, Highwood), amends the *Emblems of Alberta Act* by designating a native grass species, rough fescue, as Alberta's provincial grass. Proclaimed in force for May 7, 2003.

Bill 202, *Workers' Compensation (Firefighters) Amendment Act, 2003*, sponsored by **Richard Magnus** (PC, Calgary-North Hill), amends the *Workers' Compensation Act* by providing for regulations under the Act to contain a mandatory presumption of entitlement to benefits for full-time firefighters who are regularly exposed to fire scene hazards and later contract certain cancers. Necessary regulation came into force April 23, 2003.

Bill 203, *School (Compulsory Attendance) Amendment Act, 2003*, introduced by **Barry McFarland** (PC, Little Bow), amends the existing *School Act* by raising the mandatory school attendance age from 16 years

to 17 years old. The Bill also eliminates the use of attendance boards.

Budget 2003

On April 8, 2003, Minister of Finance, **Patricia Nelson**, presented the Budget and estimates for the 2003-04 fiscal year. Revenue for the 2003-04 fiscal year is estimated to be \$22 billion and total resource revenue is expected to be \$4.8 billion. The Minister projected total expenditures of \$20.8 billion in 2003-04 of which 70 per cent will be allocated to the Departments of Health and Wellness, Learning, Infrastructure and Transportation. The Budget increases the base budget for the Department of Health and Wellness by \$492 million to \$7.35 billion, an increase of 7.2 per cent (including increased federal transfers). The Department of Learning budget is increased by 4.7 per cent to \$4.9 billion, while the Department of Infrastructure received an increase of \$1.2 billion. Capital investment for the Department of Transportation was increased by \$93 million to \$407 million and operating spending was increased by \$181 million to \$889 million.

Other highlights of Budget 2003 are as follows:

- no new taxes and no new increase in taxes;
- an increase of 4.9 per cent in base operating spending;
- corporate taxes reduced to 12.5 per cent;
- a \$5.5 billion Centennial Capital Plan to be spent over three years to modernize, preserve and build health facilities, schools and roads, and proceed with other major infrastructure projects including municipal transportation grants, post-secondary infrastructure and water management facilities;
- non-renewable resource revenue totalling \$3.5 billion and year-end surpluses will be deposited into the newly created Alberta

Sustainability Fund (withdrawals from the Fund can only be made if revenue from non-renewable resources is less than \$3.5 billion);

- assumes a price of oil of \$23.30 US a barrel and \$4.05 Cdn per thousand cubic feet for natural gas;
- Alberta's accumulated debt stands at \$4.8 billion.

Constitutional Reform

On May 15th, the last day of the session, **Halvar Jonson**, Minister of International and Intergovernmental Affairs, introduced a motion in the Assembly containing a draft constitutional amendment for a Triple E (elected, effective and equal) Senate. Debate on the resolution was adjourned. The resolution is to form the basis of consultations with Albertans, other provinces and the federal government.

Privilege

During the session, there were two *prima facie* questions of privilege.

On March 4, 2003, **Raj Pannu**, Leader of the New Democrat Opposition, raised a purported question of privilege. It concerned a March 3rd media briefing on Bill 19, *Gas Utilities Statutes Amendment Act, 2003*. Notice of the Bill appeared on the Order Paper on February 27th. The Bill was introduced on March 4th. Dr. Pannu indicated that he was questioned by the media about the Bill on March 3rd, although he had not seen the Bill. In his ruling, Speaker **Ken Kowalski**, referred to a March 19, 2001 ruling by Speaker **Peter Milliken** of the Canadian House of Commons where he found a *prima facie* contempt of the House when Department of Justice officials provided a technical briefing to the media about a Bill that was on notice.

Speaker Kowalski noted that on March 7, 2000, he had ruled that a

similar situation was not a *prima facie* case of privilege based on the precedents that existed at the time. In this instance, he stated that while the rulings by the House of Commons are not in any way binding on the Legislative Assembly of Alberta, he asked "how could this Chair hold that the Canadian House of Commons and its Members are to be accorded greater respect and dignity than Members of this Assembly?" After the ruling, **Murray Smith**, Minister of Energy, apologized and stated that it would not happen again. Dr. Pannu moved a motion to refer the matter to the appropriate Standing Committee which was defeated on March 6th.

On April 28th, **Hugh MacDonald** (Liberal, Edmonton-Gold Bar), raised a purported question of privilege relating to a document found in the Assembly which he considered to be hate literature. He stated that he had seen the document earlier in April and had notified the Speaker, who conducted an investigation. Mr. MacDonald indicated that he and other Members of his caucus had seen it in the possession of **Drew Hutton** (PC, Edmonton-Glenora), on April 24th. Mr. MacDonald submitted that this constituted a contempt of the Assembly. Mr. Hutton indicated that he had received the document but found it repugnant and offensive and threw it in the trash.

In his ruling, Speaker Kowalski acknowledged the exchange of documents with Mr. MacDonald, indicating that after an investigation by the Sergeant-at-Arms it could not be determined who placed the documents in the precincts on April 15th. The Speaker indicated that Members receive "countless" documents with which they do not agree. He ruled that there was no question of privilege. The next day, Mr. Hutton raised a purported question of priv-

ilege based on the allegations contained in Mr. MacDonald's question of privilege the previous day. The Speaker ruled that "there are few allegations that can be more detrimental than one of promoting or condoning discrimination." He found that the remarks constituted an improper obstruction to Mr. Hutton performing his parliamentary work.

Mr. MacDonald offered a full and complete apology the next day which was accepted by Mr. Hutton. Government House Leader, **David Hancock**, then withdrew the notice of motion to refer the matter to the appropriate Standing Committee.

Other Events

Speaker Kowalski hosted a ceremony recognizing the Muslim Festival of Eid-ul-Adha in the Rotunda of the Alberta Legislature Building on Tuesday, February 24, 2003. Eid-ul-Adha means "Festival of Sacrifice", and is celebrated by Muslims worldwide.

On Wednesday, March 19, 2003, Speaker Kowalski hosted a ceremony in honour of Alberta's francophone community. Joining the Speaker at the ceremony were **Gene Zwozdesky**, Minister of Community Development; **Hugh MacDonald** (Liberal, Edmonton Gold Bar), representing the Official Opposition; **Raj Pannu**, Leader of the New Democrat Opposition; **Denis Ducharme** (P.C. Bonnyville-Cold Lake), Chair of the Francophone Secretariat, and **Ernest Chauvet**, President of L'Association Canadienne-Francaise de L'Alberta.

The Legislative Assembly introduced a new outreach program this spring entitled Mr. Speaker's MLA for a Day. One high school student from each constituency was selected by their MLA to spend a day at the Legislature Building and

shadow their MLA and others involved in the parliamentary process. This direct experience was designed to develop their interest in and their understanding of parliamentary democracy. The program took place on two separate dates during the Spring sitting, Thursday, March 13 and Thursday, April 10, 2003.

Appointments

The Select Special Ethics Commissioner and Ombudsman Search Committee, chaired by **Janis Tarchuk** (P.C. Banff-Cochrane), recommended that **Donald M. Hamilton** be appointed Alberta's second Ethics Commissioner for a 5-year term. The recommendation was approved by the Assembly on May 13.

Robert Reynolds
Senior Parliamentary Counsel
Micheline Gravel
Procedural Clerk



House of Commons

Highlights of the Winter sitting of the House of Commons included tabling of the Budget, a series of debates on the war in Iraq, the SARS epidemic and closure of the cod fishery in Atlantic Canada, introduction of the Government's legislative package related to the appointment of an Ethics Commissioner and continued controversy over the administration of the *Firearms Act* and the Senate's decision to divide Bill C-10 (*An Act to amend the*

Criminal Code (cruelty to animals and firearms) and the Firearms Act). In addition, there has been a great deal of acrimony during consideration by the Standing Committee on Aboriginal Affairs of Bill C-7 (*An Act respecting leadership selection, administration and accountability of Indian bands, and to make related amendments to other acts*), which has met with stiff opposition from both aboriginal organizations and Members of opposition parties in the House. Finally, the long awaited rule changes relating to Private Members' Business were adopted on a provisional basis, ending months of discussion and debate that contributed to slowdowns in Government-led initiatives in the House.

Budget

The Budget, tabled in the House on February 18th, 2003 by Finance Minister **John Manley**, contained an 11.5 per cent increase in spending this year and 20 per cent over three years for everything from health care to defence. It also announced a surplus for the past fiscal year and projected balanced budgets for both 2003-04 and 2004-05. The Budget commits the Government to greater accountability through the presentation of its financial statements on a full accrual basis of accounting and improved reporting to Parliament for the arm's length foundations created by the Government. The Finance Minister also announced an ongoing review of all non-statutory programs over a five-year cycle in an effort to ensure continued relevance, efficacy and affordability.

The Minister's Budget statement was widely greeted by opposition parties as the "Chrétien legacy budget". Official Opposition leader, **Stephen Harper** criticized the government for continuing to "gouge"

hard-working Canadians rather than rewarding them by reducing the GST and income tax. The Government did however receive some praise for funding the health accord, introducing tax changes that would benefit small business and reducing by 40 per cent the air security charge for Canadian travellers.

Legislation

The controversy over the Senate's decision to divide Bill C-10 continued during consideration of the Senate amendment seeking the House's endorsement of the division. The motion to ratify the Senate amendment finally passed in the Commons, after a Government motion for time allocation was adopted in early May. The Government motion to concur in the Senate amendment specified that in this instance only, the House was waiving its rights and privileges and that adoption of the amendment would not form a precedent. Consequently, the first portion of the bill – Bill C-10A (*An Act to amend the Criminal Code (firearms) and the Firearms Act*) – received Royal Assent on May 13, 2003. The second part of the original bill, Bill C-10B (*An Act to amend the Criminal Code (cruelty to animals)*) is still before the Senate.

Report stage debate of Bill C-13 (*An Act respecting assisted human reproduction*) was held over three months with Liberal back-bencher, **Paul Szabo** (Mississauga South), leading MPs opposed to the bill in putting forward a number of proposals to further amend the bill. Three days of debate at Third Reading stage have been held to date, including consideration of a motion by the Canadian Alliance to send the bill back to Committee for reconsideration of a specific clause, which was defeated. To date there is no indication when a vote for

Third Reading of the bill might be held.

In addition to the legislation introduced to implement the Government's budget measures, a number of key legislative initiatives were announced during the early spring. Bill C-34 (*An Act to amend the Parliament of Canada Act*), introduced at the end of April, provides for the appointment of an Ethics Commissioner for elected Members of Parliament as well as a Senate Ethics Officer. The Ethics Commissioner would be responsible for administering a Conflict of Interest Code for the House of Commons as well as assisting the Prime Minister in the administration of the Conflict of Interest and Post-Employment Code for Public Office Holders. The Senate Ethics Officer would administer a Code of Conduct for the Senate. The Ethics Commissioner would be appointed for a five-year renewable term and the Senate Ethics Officer would be appointed for a seven-year renewable term. In keeping with recommendations made by the Commons Standing Committee on Procedure and House Affairs tabled earlier in April, the Government bill provides for the formal participation of Parliamentarians during the appointment process, through consultation with leaders of the recognized parties in the House of Commons and Senate respectively as well as a resolution of their respective chambers. However it does not go all the way in meeting the recommendations made by the Procedure Committee, which called for a mechanism to allow for committee hearings to examine the credentials of prospective nominees prior to the ratification vote in the Commons.

Other legislative initiatives introduced include Bill C-32 (*An Act to amend the Criminal Code and other Acts*), which provides measures to

protect against the setting of traps for a criminal purpose with the intent to cause injury or death, and Bill C-33 (*International Transfer of Offenders Act*), which would allow Canadians convicted in other jurisdictions to return to Canada to serve their foreign sentence. Similarly, foreign nationals convicted of crimes in Canada would also be able to return to their home countries to serve their sentences there.

Procedure and Privilege

The changes to Private Members' Business occupied much of the time of the Standing Committee on Procedure and House Affairs leading up to the winter break in December. The issue was then handed off to the re-created Special Committee on the Modernization and Improvement of the Procedures of the House of Commons. In mid-February the Special Committee tabled its first report recommending a series of changes based on the package that had been put forward by the Procedure Committee, and on February 28th, the Third Report of the Special Committee was tabled recommending new wording and amendments to the Standing Orders. The revised Standing Orders, which have been put in place on a provisional basis subject to review in a year's time, are aimed at providing all Members of the House with the opportunity of putting forward at least one item of Private Members' Business per Parliament. The new rules provide that all items of Private Members' Business will come to a vote unless a Member chooses to make his/her item non-votable. An item can also be deemed non-votable by the Subcommittee on Private Members' Business if it does not meet certain established criteria, however this decision is subject to an appeal and secret ballot vote by the House. On March 26th, the Procedure and

House Affairs Committee tabled its list of criteria for non-votability which is as follows:

- Bills and motions must not concern questions that are outside federal jurisdiction;
- Bills and motions must not clearly violate the *Constitution Acts, 1867 to 1982*, including the *Canadian Charter of Rights and Freedoms*;
- Bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session of Parliament;
- Bills and motions must not concern questions that are currently on the *Order Paper* or *Notice Paper* as items of government business.

The other significant change in the new package provides that amendments to motions or to second reading of a Private Members' bill cannot be made without the consent of the sponsor.

A new version of the *Standing Orders of the House of Commons (Consolidated version as of March 17, 2003)* was tabled by the Speaker, which includes the provisional Standing Orders pertaining to Private Members' Business as well as earlier changes adopted to provide for the creation of the new Standing Committee on Government Operations and Estimates and the election of Committee chairs by secret ballot.

Committees

The Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources has faced marathon sessions and much acrimony as it continues with clause-by-clause consideration of the controversial Bill C-7 (*An Act respecting leadership selection, administration and accountability of Indian bands, and to make related amendments to other Acts*). The bill has faced stiff

opposition from First Nations communities and opposition Members of Parliament, and several questions of privilege were brought to the floor of the House during the month of April, in attempts to have the Speaker intervene in the filibustering, name-calling and procedural stand-offs occurring in Committee.

The Government's political financing bill, Bill C-24 (*An Act to amend the Canada Elections Act and the Income Tax Act (political financing)*), considered a key component of the Prime Minister's recently announced action plan on ethics in government, has also been getting a rough ride during consideration by the Standing Committee on Procedure and House Affairs. The bill, which represents the most significant reform to Canada's electoral finance laws since the adoption of the *Election Expenses Act* in 1974, proposes enhanced public financing of the political system, particularly at the level of political parties, as well as limits of \$1,000 a year on corporate donations to any federal party and a \$10,000 cap on individual contributions. This legislation has drawn criticism from a wide range of stakeholders including the major political parties.

Other Matters

Pierre Brien (Témiscamingue, BQ) and **Antoine Dubé** (Lévis-et-Chutes-de-la-Chaudière, B.Q.) both resigned in mid-March to run in the Quebec provincial election. A by-election was held in the Ontario riding of Perth-Middlesex on May 12th, and was won by **Gary Schellenberger** of the Progressive Conservative Party. He was sworn in and took his seat in the Commons on May 26th.

Other events of note include three leadership races. **Jack Layton** became the leader of the New Demo-

cratic Party on January 25. On May 31, **Peter MacKay** was elected as leader of the Progressive Conservative Party. The Liberals continue to prepare for their leadership convention to be held in the fall.

On April 8th, representatives from each party made statements to commemorate the 40th anniversary of the election of the Prime Minister to the House of Commons. These were followed by a response by Mr. Chrétien.

Nancy Hall
Procedural Clerk
Table Research Branch
House Proceedings Directorate



Senate

For the first time in Canadian parliamentary history of our Parliament, Royal Assent was given by written declaration on February 13, 2003. The Clerk of the Senate presented Bill C-4, an act to amend the *Nuclear Safety and Control Act*, to **John Major**, Deputy of the Governor General for Royal Assent. Instead of holding the traditional ceremony in the Senate with the House of Commons at the bar, this new Royal Assent took place at Rideau Hall. This marked the culmination of many attempts over the last twenty years to provide an alternative Royal Assent procedure. With the enactment in June 2002 of Bill S-34, it became possible to signify Royal Assent by written decla-

ration announced by the Speakers of the two Houses of Parliament.

Other bills that received Royal Assent by written declaration were: C-12, *An Act to promote physical activity and sport*, on March 19; C-3, *An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act*, on April 3; and C-227, *An Act respecting a national day of remembrance of the Battle of Vimy Ridge* on April 3.

Bill S-34 also preserved Royal Assent as an important tradition by requiring at least two traditional ceremonies in each calendar year, including one for the first appropriation bill in each session. On March 27, a traditional Royal Assent took place in the Senate Chamber when **Louise Arbour**, in her capacity as Deputy of the Governor General, assented to two appropriation bills.

Committees

Senate committees have been particularly active and have produced many reports in recent months. As a consequence, the Senate has devoted a large portion of its time in the Chamber to the discussion and adoption of these reports.

The Fourth Report of the Rules, Procedures and the Rights of Parliament, which clarified the practice in the Senate of depositing committee reports with the Clerk of the Senate, was adopted on February 5. This matter was referred to committee after Senator **Lowell Murray** had raised a question of privilege regarding the announced intention of the Social Affairs, Science and Technology Committee to deposit a report with the Clerk of Senate rather than tabling it on a day when the Senate was sitting. Senator **Michael Kirby**, in response to Senator Murray's question of privilege, suggested that the Rules, Procedures and the Rights of Parliament review the practice of back door tabling.

The committee's report supported, as a general principle, the proposition that all committee reports should be tabled or presented in the Senate chamber.

As it happened, the Committee itself deposited an interim report with the Clerk on April 10 on its study of the government's ethics package that includes a draft bill to establish an independent ethics commissioner and a draft code of conduct for parliamentarians. The referral last October of several government documents dealing with ethical conduct of parliamentarians and its enforcement provided an opportunity for senators to evaluate this difficult issue. The Eighth Report, entitled *Government Ethics Initiatives*, summarizes the committee's work over the previous two months and highlights its eight recommendations to the government on the role and function of an ethics commissioner. The divisive issue of whether to legislate the creation of an ethics commissioner, in addition to the actual rules that should make up a code of conduct, will be subjects for discussion as the committee continues its study of this important topic.

In addition, the Rules, Procedures and the Rights of Parliament Committee approved publication of a new edition of the *Rules of the Senate*. This version, which incorporates rule changes adopted in the Senate over the last year, was tabled in the Senate on April 30.

Veterans Affairs, a subcommittee of the National Security and Defence Committee, tabled its interim report on the health care provided to veterans of war and of peace-keeping missions. Deposited with the Senate Clerk on April 10, the Eighth Report, entitled *Fixing the Canadian Forces' Method of Dealing with Death or Dismemberment*, chronicled the story of one soldier who

used his experience to force changes to the treatment of those who suffer dismemberment.

The permanent order of reference of the Joint Committee for the Scrutiny of Regulations authorizes the committee to study ways that Parliament can better manage the government regulatory process. In its Second Report, tabled on April 29, 2003, the committee drew the attention of the Senate and the House of Commons to differences in their rules and practices as they relate to the functions and powers of the Joint Committee and asked for the assistance of both Houses in resolving any problems that might arise from these variations.

The Internal Economy, Budgets and Administration Committee presented several reports. The Eighth Report, on February 5, dealt with Supplementary Estimates "B" for 2002-2003 and the funding needed to meet the Senate's share requested by the Joint Inter-Parliamentary Council and to provide support for the Office and Research Expenses Budget. The Tenth and Fifteenth Reports recommended the release of additional funds to enable committees to continue their work and were adopted on February 25 and April 3, respectively. On March 25, the Senate adopted the Eleventh and Twelfth Reports. The Eleventh Report recommended an economic increase of 2.8% to unrepresented employees while the Twelfth dealt with an amendment to the travel policy for Senate committees which would increase accountability and bring it in line with Treasury Board policy.

The National Finance Committee continued to review a number of issues relating to the Government's planned expenditures and presented three reports on the Estimates for approval in the Senate. The Third Report, on Supplemen-

tary Estimates "B" for 2002-2003, the Fourth Report on the Main Estimates for 2002-2003 and the Fifth, an interim report, on the Main Estimates for 2003-2004 were all adopted on March 26. One item contained in the Supplementary Estimates "B" for 2002-2003 was of particular concern to the Senate. The rising cost of the controversial Canadian Firearms Program and the subsequent request from the Department of Justice for a supplementary appropriation to fund its implementation was noted by the committee and discussed on the floor of the Senate during debate for the adoption of the report.

Other committees presented budgets for special studies. The Senate adopted the Eighth and Ninth Reports of the Social Affairs, Science and Technology Committee on February 13 and April 3 respectively, which approved funds for the committee's examination of issues concerning mental health and mental illness. The Sixth Report of the National Security and Defence Committee, requesting the Senate's approval of a budget to study health care provided to veterans of war and peacekeeping missions was adopted on February 26. On March 27, the Senate approved the budget requested by the Banking, Trade and Commerce Committee in its Eighth Report to continue its study of the financial system.

Budgets for special studies by the Energy, the Environment and Natural Resources Committee on environmental issues, the Foreign Affairs Committee on the Canada-United States of America Trade relationship and on the Canada-Mexico trade relations, the Aboriginal Peoples Committee on Aboriginal youth and the Human Rights Committee on Canada's possible adherence to the American

Convention on Human Rights were approved by the Senate on April 3.

Speaker's Statement

On March 26 Senator **Laurier LaPierre** sought leave to correct an inaccurate comment attributed to him in the Debates of the Senate of the day before, but the Senate refused. This action provoked argument among the Senators as to whether his request was to simply correct the Hansard record or to actually change it. It was a sensitive issue because the attributed remark related to Canada's relations with the U.S. and the war in Iraq. The Speaker made a statement on the matter on March 27. Speaker Hays determined that Senator LaPierre was entitled to the benefit of doubt. The Speaker believed that Senator LaPierre intended to correct the record rather than change it and, with the leave of the Senate, asked that the Debates of the Senates be corrected.

Speaker's Ruling

Bill C-10, *An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act* and the instruction to divide it were the subject of numerous points of order in the fall of 2002. The division of a Commons bill by the Senate was the cause of much procedural disagreement. This was not unexpected since, in fact, it was only the second time in Senate history that it had attempted to divide a Commons bill. On May 7, just after the Speaker read the message from the House of Commons stating that it had agreed to the Senate's request to divide Bill C-10, Senator **John Lynch-Staunton** asked about the status of Bill C-10B which was being studied by the Legal and Constitutional Affairs Committee. Other senators complained about the language of

the second paragraph of the Commons message suggesting that the Senate had committed an offence against the privileges of the House of Commons.

In his ruling on May 8, the Speaker noted the number of rulings he had already made on the process that had been followed with respect to Bill C-10. He found that the message from the House of Commons announcing that it had agreed to the division of the bill meant that Bill C-10A had been approved by both Houses and was ready for Royal Assent. It also confirmed the existence of Bill C-10B as a separate bill and, therefore, it was appropriate for the Legal and Constitutional Affairs to complete its study and report the bill. As for the language of the message from the House of Commons, the Speaker referred to an example of a similar message in 1997. That declaration in

the message followed standard format intended to protect the privileges of the House of Commons and was not without precedent. As the Speaker pointed out, messages between the two Houses are used as a vehicle for communication and as such, the message on Bill C-10 fulfilled its purpose.

Rules of the Senate

A motion to amend Rule 22 of the Rules of the Senate, limiting the amount of time allotted to tributes in the Senate, was adopted by the Senate on April 1. The Senate proceeded under the new rule for the first time on April 30 when tribute was paid to the memory of former Senator **Richard Doyle**.

Milestones

New senators **Maria Chaput**, the first Franco-Manitoban woman to sit in the Senate, **Pana Pappas Merchant**, the second woman to represent Saskatchewan in the Senate and **Pierrette Ringuette**, a former member of the New Brunswick Legislative Assembly and the House of Commons, were introduced on February 4. Their appointments bring the current number of women Senators to 34. Since **Cairine Wilson's** appointment in 1930, there have been 66 women appointed to the Senate.

Tributes were paid on February 5 to the memory of the late **Ramon John Hnatyshyn**, former Governor General of Canada, and, on March 26, to **Betty Kennedy** who retired from the Senate on January 4, 2001.

Mary Mussell
Journals Branch