



Legislative Reports



Nunavut

This year has continued to be a busy one for Members of the First Legislative Assembly. In February, three independent officers of the Legislative Assembly appeared before Standing Committees to present their annual reports.

On February 18, the Languages Commissioner, **Eva Aariak**, appeared before the Standing Committee *Ajauqtiit*, chaired by **David Iqaqrialu**, MLA for Uqqummiut. On February 19, the Information and Privacy Commissioner, **Elaine Keenan Bengts**, appeared before the Standing Committee on Government Operations and Services, chaired by **Hunter Tootoo**, MLA for Iqaluit Centre. On February 20, the Auditor General of Canada, **Sheila Fraser**, made her second annual appearance before the Standing Committee on Government Operations and Services. The public hearings extended into the following day, as Members of the Committee posed questions to a number of Deputy Ministers and other senior Government of Nunavut officials.

Both Standing Committees presented their reports on these hearings in June. Under the Rules of the Legislative Assembly, the Government is required to table a response

within 120 days of their presentation.

The House sat in Iqaluit from March 4th to 28th. Finance Minister **Kelvin Ng**, MLA for Cambridge Bay, delivered his fifth budget address on March 11. Much of the March sitting was subsequently dominated by the line-by-line scrutiny in Committee of the Whole of the government's 2003-04 main estimates and departmental business plans.

Major amendments to Nunavut's municipal governance statutes were passed in March. The Standing Committee on Health and Education, chaired by **Jobie Nutarak**, MLA for Tunnuniq, recommended that the proposed new *Education Act* be allowed to fall off the order paper.

Bill 35, the proposed new *Wildlife Act*, was introduced by Sustainable Development Minister **Olayuk Akesuk**, MLA for South Baffin, on March 27. Other noteworthy Bills still before the House include the proposed *Human Rights Act*, the *Tobacco Control Act* and amendments to the *Liquor Act* and the *Workers' Compensation Act*.

Enoki Iqittuq, MLA for Amittuq, introduced a motion in March recommending that the government establish a Task Force on Suicide Prevention and Community Healing. The motion was adopted by the House without opposition. Health and Social Services Minister **Ed Picco**, MLA for Iqaluit East, subsequently announced in July the creation of the Task Force and its membership.

In April, a Ministerial portfolio shuffle was announced following the departure from the Cabinet of **Jack Anawak**, MLA for Rankin Inlet North.

The House sat in Baker Lake from June 2nd to 6th. Baker Lake is the closest community to the geographical centre of Canada, and is the only inland community in the territory. The traditional Inuktitut name of the community is *Qamanituaq*. The Host Member for the community is **Glenn McLean**, Chair of the Standing Committee on Community Empowerment and Sustainable Development.

A major issue of debate during the Baker Lake sitting was the proposed fuel stabilization rider that the Nunavut Power Corporation had earlier requested permission to apply to power bills. The Minister of Energy, Mr. Picco, announced during the sitting that the application was rejected. Another major announcement made during the sitting concerned the forthcoming signing on September 3 by Premier **Paul Okalik** of a Northern Co-operation Accord with the Premiers of the Northwest Territories and the Yukon.

In July 2003, Speaker **Kevin O'Brien**, MLA for Arviat, led the Nunavut delegation to the Commonwealth Parliamentary Association Canadian Regional Conference. **Rebekah Uqi Williams**, MLA for Quttiktuq, delivered remarks as a panelist on *Health Care Policy and Reforms: Current Experiences and Perspectives from Nunavut*.

The Legislative Assembly will reconvene in Iqaluit on October 21, 2003. A major item of House business will be the consideration of the 2004-05 capital estimates. A by-election was held on September 2, 2003, to fill the vacancy for the electoral district of Nanulik, which encompasses the communities of Chesterfield Inlet and Coral Harbour. The Member for Nanulik resigned from the Assembly on June 20, 2003. **Patterk Netser** of Coral Harbour won the by-election in a field of three candidates.

The date for the second general election has now been set for February 16, 2004. The next general election will be conducted under the new *Nunavut Elections Act*, which was passed in October of 2002, when the House was sitting in the Baffin Island community of Pangnirtung. One particularly interesting development occurred on October 31, as the Bill entered its second day of consideration in Committee of the Whole. As a result of that morning's announcement of the Supreme Court's decision regarding voting rights for inmates in federal institutions, Minister of Justice and Premier Okalik, introduced amendments to the Bill on the floor of the House later that day to ensure its compatibility with the *Charter of Rights and Freedoms*. English and Inuktitut versions of the amendments were prepared on-site in Pangnirtung, and French translations were co-ordinated with the Department of Justice back in Iqaluit. Deputy Commissioner **Lena Metuq**, principal of the Alookie Elementary School in Pangnirtung, gave Assent to the Bill on November 1.

Elections Nunavut, the independent agency responsible for the conduct of Nunavut's territorial elections, is located in Rankin Inlet. Nunavut's first Chief Electoral Offi-

cer, **Sandy Kusugak**, was appointed by **Peter Irniq**, the Commissioner of Nunavut, on the recommendation of the Legislative Assembly in 2002.

To date, a total of 80 Bills have been passed by the Legislative Assembly since its first sitting day on April 1, 1999. Statistics to date for the Sixth Session include:

- 178 Ministers' Statements
- 595 Members' Statements
- 582 Oral Questions
- 19 Written Questions
- 8 Petitions
- 6 Reports of Standing and Special Committees
- 125 Tabled Documents
- 32 Formal Motions
- 57 Sitting Days

Alex Baldwin

Director, Research and Library Services



British Columbia

After forty-six sitting days British Columbia's MLAs received a well-deserved break to return to their constituencies. A total of sixty-eight Government Bills, five Private Members' Bills and three Private Bills were tabled in the House during the Spring Sitting of the Fourth Session. By the time the Session adjourned for the summer, forty-three Government Bills had been granted Royal Assent.

Two major Forestry laws were passed in May, which address is-

sues regarding market pricing and lumber supply. The *Forests Statutes Amendment Act, 2003* (Bill 27) aimed at reallocating harvest rights held by the largest tenure holders to new players prepared to pay market rates. About half the tenure reallocated will go to new entrants, including First Nations, woodlots, and community forests. The other 50 percent will be sold at a competitive price via sealed bid at public auction in B.C. in an attempt to introduce market principles to an ailing BC Forest industry.

The *Forest (Revitalization) Amendment Act, 2003* (Bill 29) addresses issues related to lumber supply. With the passage of the bill, the government has changed cut control requirements. Bill 29 also repealed appurtenance and timber-processing requirements that forced licensees to process timber at specific sawmills or at sawmills they own or operate. The bill will repeal and replace the requirement that licensees must have written consent from the Minister of Forests before tenures can be subdivided or transferred. As a result, tenure holders will be able to transfer licenses without penalties.

The Opposition argued that these new forestry Policies would destabilize an industry already in turmoil from the Canadian-American softwood lumber dispute.

The *Miscellaneous Statutes Amendment Act (No. 2), 2003* (Bill 66) was also passed this spring. One of the provisions of Bill 66 permitted prisoners serving two-years-plus the right to vote provincially. The Attorney General explained that the provision was required to align the provincial *Election Act* with a recent change to the federal voting rights of prisoners, following a Supreme Court of Canada decision on a challenge to federal law under the *Charter of Rights and Freedoms*. However,

eight Members of the government caucus spoke against this provision of the bill and expressed their view in a free vote. It was the first time in the current Parliament that more than one or two Government Members voted against a government initiative.

The *Freedom of Information and Protection of Privacy Amendment Act, 2003*, (Bill 13) was also passed. It deals with the privacy protection provisions for records held by private bodies. The legislation is designed to clarify a person's right to their personal information held by private institutions.

During the penultimate week of the Spring Sitting, time allocation was invoked when the House adopted a schedule for debate to conclude government business by May 29, 2003. The two opposition Members protested the time allocation provisions, arguing that they did not provide enough time to properly debate ten bills scheduled to be passed along with the estimates of health, which consumes 40 percent of the provincial budget. The government argued that they were obligated to complete consideration of the affected Bills before the Session adjourned for the summer.

Despite the sprint-finish to the Spring Sitting, twenty-five pieces of legislation were left on the order paper for further consideration in the fall.

Committee Business

A new Special Committee to review the *Freedom of Information and Protection of Privacy Act* was struck to undertake the second of its scheduled six-year review of the *Freedom of Information and Protection of Privacy Act*. **Blair Lekstrom** (Peace River South) was appointed Chair.

The Special Committee on the Citizens' Assembly on Electoral Re-

form endorsed and recommended the appointment of Dr. **Jack Blaney** to be chair of this groundbreaking exercise in grassroots electoral reform. Following his confirmation, Dr. Blaney raised concerns regarding the \$5.5 million budget, implying that it may be insufficient for the ambitious yearlong process, which begins this fall.

Three select standing committees have recently become active again. The Finance and Government Services Committee and the Public Accounts Committee were each re-appointed with a similar membership and mandate as in the previous Session. The respective committees elected **Brenda Locke** (Surrey-Green Timbers) and **Jenny Kwan** (Vancouver-Mount Pleasant) as Chairs. In May, the Crown Corporations Committee, chaired by **Ken Stewart** (Maple Ridge-Pitt Meadows), continued its review process of the service plans and annual reports of Crown Corporations.

Other Matters

On June 2, crowds gathered in legislatures across the country for the unveiling of a portrait commemorating the Queen's Golden Jubilee. In attendance at the ceremony was Lieutenant Governor **Iona Campagnolo**, Deputy Premier, **Christy Clark**, and the Clerk of the House, **E. George MacMinn**.

The very next day interim Provincial New Democratic Leader and Leader of the Opposition **Joy MacPhail** announced unexpectedly that she would not be running for party leadership, nor would she be running for re-election in the next provincial election scheduled for May 2005. Ms. MacPhail said she is looking forward to helping the new leader rebuild the party, as well as spending more time with her teenage son.

In July, British Columbia hosted this year's Commonwealth Parliamentary Association Canadian Regional Conference. The Conference was attended by legislators from across Canada. Observers from Canada, Bangladesh, the United Kingdom, and Western Australia were also in attendance.

Robert Parker
Committee Researcher



The 37th Legislature opened on June 4, 2003, with the election of the President and the vice-presidents of the Assembly. The previous day, the election of the President by secret ballot, a procedure provided for in the temporary Standing Orders and in effect during the 36th Legislature but not yet extended, had not been carried out, as an independent Member refused to give consent to set aside the usual procedure. Consequently, a new proclamation deferred the opening of the session to the following day and the election was conducted according to the provisions contained in the Standing Orders, that is, via a motion by the Premier. **Michel Bissonnet**, the Member for Jeanne-Mance-Viger, was elected President, while **Christos Sirros**, the Member for Laurier-Dorion, **Diane Leblanc**, the Member for Beauce-Sud, and **François Gendron**, the Member for Abitibi-Ouest, were respectively named First, Second and Third Vice-President.

The brief three-week period of parliamentary work focussed mainly on the debates following the

Opening Speech by the Premier and the Budget Speech. The new Government tabled a new budget and new estimates of expenditure to replace those that had been proposed by the previous Government last 11 March.

During this period, only four public bills and one private bill were passed. The main piece of legislation was Bill 1, *An Act respecting proposals for the administrative reorganization of certain municipalities and amending various legislative provisions*. However, on June 20, the Minister of Municipal Affairs, Sports and Recreation, **Jean-Marc Fournier**, issued a ministerial statement in which he invited the elected officials of the new amalgamated cities to submit to him, before October 1, 2003, a resolution containing an administrative reorganization proposal. He committed himself to providing in writing, before 31 December 2003, his intention as regards recommending to the Government the necessary legislative measures to follow up on such a proposal. This statement caused the first four sections of the bill (that the Opposition had been opposed to) to lapse and enabled the consideration of the other sections which concerned, among other matters, the city contract with Montreal and the funding of certain obligations imposed on municipalities with regard to pension plans. The bill, with its new title *An Act to amend various legislative provisions concerning municipal affairs*, was finally passed, as were the estimates of expenditure, during an extraordinary sitting held on July 16, 2003.

Appointments and resignations

On May 20, 2003, a new election was held in the riding of Champlain as a judicial recount of the votes had confirmed the equality of votes between two candidates. The repre-

sentative of the Parti Québécois, **Noëlla Champagne**, was finally declared elected in this electoral division. Appointments were made to fill the various parliamentary duties. On the Government side, **Jacques P. Dupuis** was named Government House Leader; **Yvon Vallières**, Chief Government Whip; and **Norman MacMillan**, caucus chair. On the Opposition side, **André Boisclair** was named Official Opposition House Leader, **Michel Morin** was named Chief Opposition Whip, and **Agnès Maltais** was named caucus chair.

One month after having been appointed Minister for Health, Social Services and the Status of Seniors, the Member for Laviolette, **Julie Boulet**, resigned from the Cabinet, as she was concerned about possibly being in a conflict of interest with regard to a matter concerning pharmaceutical companies.

Interparliamentary relations

The second edition of the Francophone Youth Parliament and the 29th session of the Parliamentary Assembly of French-speaking peoples, in which a delegation of Quebec parliamentarians took part, were held in Niamey, Niger, from July 6 to 10, 2003.

The Francophone Youth Parliament was composed this year of 81 students chosen by 41 of the member parliaments of the Francophonie, including two young Quebecers. Incidentally, Quebec shared its expertise with Niger as regards parliamentary simulations for the organization of this event. The outgoing president of the Assemblée parlementaire de la Francophonie, **Michel Bissonnet**, conducted the proceedings during which the young francophone parliamentarians adopted a declaration on sustainable development.

Among other activities, the Assemblée parlementaire de la Francophonie held a plenary session on the theme of *Violence, the State of Law and Development* and elected a new president, **Mahamane Ousmane**, who is also President of the National Assembly of Niger.

Parliamentary simulations

On May 16, 2003, the Assembly welcomed 123 sixth-grade elementary students who came to take part in the seventh edition of the Pupils' Parliament. Representing the main regions of Québec, the young parliamentarians discussed three bills which they had prepared with the help of their teachers during the school year, namely:

- the *Act obliging school boards to allow the organization of instructional, cultural or sports activities every other weekend during the school year*,
- the *Act obliging elementary schools to allow an elected student council to manage certain student activities for the duration of a term*, and
- the *Act obliging elementary schools to establish, in each cycle, classes of same-sex students in order to develop their skills in certain disciplines*.

After having examined the legislative texts section by section in parliamentary committee, the young Members finally voted in favour of the *Act obliging elementary schools to allow an elected student council to manage certain student activities for the duration of a term*, but rejected both other bills.

Various

On June 18, 2003, the President of the National Assembly launched an interactive CD-ROM, entitled *Écrire l'histoire de demain* (Writing tomorrow's history) on the history, role and operation of the National Assembly. This tool aims to popularize Québec's democratic system and

comprises six sections: *Quebec Parliamentarism*, which deals with the three powers of the State and parliamentary history; *The Role of Members; Debates in the Assembly*, which explains the rules regarding debates; *An Accessible Assembly*, which lists the activities offered by the Assembly; *Parliamentary Diplomacy*; and *Discovering our Parliamentary Heritage*, on the architectural and ornamental treasures of the parliamentary buildings. It will be distributed more particularly throughout the school network in the fall.

The second edition of *La procédure parlementaire du Québec* (Parliamentary procedure in Québec) was published by the Parliamentary Procedure Research Directorate this spring. The new text includes recent developments in parliamentary jurisprudence and the provisional amendments to the *Standing Orders and Rules for the Conduct of Proceedings of the Assembly* for the 36th Legislature.

Last 27 May, the National Assembly adopted an archives acquisition policy. The main objectives of this policy were to constitute and conserve the institutional memory and to collaborate in the conservation of the archival heritage of Quebec. It specifies the roles and responsibilities of the Secretary General, of the Director of the Library and of the person in charge of the Debates Reconstruction Archives and Press Documentation Service. It also establishes the priorities and mechanisms for acquiring archives from the administrative units, the Members of the National Assembly and from organizations or persons outside the Parliament such as Press Gallery journalists.

Anne Deronzier

Secretariat of the National Assembly

Committees

Pursuant to the provisions of Standing Order 127, the Committee on the National Assembly met on June 5, 2003, to determine the membership of committees and to select those that were to be chaired by a Member from the group forming the Government and those that were to be chaired by a Member sitting in opposition.

On this date, the Committee on the National Assembly, which is always chaired by the President of the National Assembly, was composed only of the President and vice-presidents of the Assembly as well as of the House leaders and whips of the parliamentary groups, since the committee chairmen only become members of this committee once they are elected.

For the current session, it was agreed that the following six sector-based committees would be chaired by Members of the parliamentary group forming the Government:

- Committee on Social Affairs
- Committee on Agriculture, Fisheries and Food
- Committee on Planning and the Public Domain
- Committee on Culture
- Committee on Education
- Committee on Public Finance

The following three committees will be chaired by Members sitting in opposition:

- Committee on Labour and the Economy
- Committee on Institutions
- Committee on Transportation and the Environment

It should be noted that under the *Standing Orders*, the Committee on Public Administration is always chaired by a Member from the Official Opposition.

The President then convened each of the committees for June 6, in

order that they elect their chairmen and vice-chairmen. Further details concerning the membership of committees, their terms of reference and proceedings, can be found on the Internet site of the Assembly.

Orders of reference by the Assembly

As customary every year, the committees were given orders of reference to examine the estimates of expenditure that were tabled in the Assembly by the Chair of the Conseil du trésor last June 13. This activity, which usually takes place in April, was carried out exceptionally this year between July 2 and 15, owing to the holding of a general election in April. At the completion of their mandate, the committees had spent over 195 hours examining and adopting the estimates of expenditure granted to the ministries and agencies.

Several parliamentary committees were ordered to hold special or general consultations next September including: the Committee on Institutions, the Committee on Planning and the Public Domain and the Committee on Social Affairs with regard to bills, and the Committee on Culture with regard to the five-year report from the Access to Information Board.

Denise Léonard

Secretariat of committees

Texts translated by **Sylvia Ford**
Secretariat of the National Assembly



Prince Edward Island

On Friday, May 23, 2003, the Fourth Session of the Sixty-first

General Assembly adjourned to the call of the Speaker. Adjournment, rather than prorogation, is unusual for the Prince Edward Island Legislative Assembly, occurring only twice in the last decade prior to this most recent instance. In 1997, the First Session of the Sixtieth General Assembly adjourned on May 29 and resumed on November 12; and in 1992, the Fourth Session of the Fifty-eighth General Assembly adjourned on May 6 and resumed on November 3 of that year. Two bills, six government motions and four motions other than government remain on the order paper.

To date, during this Session, there have been 45 sitting days. A total of 47 bills have received Royal Assent; 38 motions were tabled; 219 written questions were submitted; 155 ministerial statements were read; and 132 members' statements made.

On June 27, 2003, Speaker **Mildred Dover**, Speaker, unveiled a commemorative display at Province House to acknowledge the contributions of Speakers of the Legislative Assembly. The display incorporates a depiction of the new Prince Edward Island Coat of Arms and the Parliamentary Mace. A book containing the biographies of Speakers of the House since Prince Edward Island joined Confederation in 1873 is prominently featured. **J. Léonce Bernard**, Lieutenant Governor, and former Speakers **Marion Reid**, **Edward Clark**, **Nancy Guphill** and **Wilbur MacDonald** were in attendance at the unveiling ceremony.

The Chamber of the Legislative Assembly has been refurbished over the summer months with new carpeting and a fresh coat of paint. The traditional green colour of the carpet and walls has been retained. In addition, a tender has been issued for a new audio system to be installed prior to the resumption of

the Session. The new system is required to be unobtrusive in keeping with the historic integrity of the Chamber. Plans for further modernization include the installation of a computer in the office behind the Chamber for the use of Members and Table Officers.

Prince Edward Island hosted a cross-party delegation of Scottish parliamentarians from August 7 through August 11, 2003. **Lord James Douglas-Hamilton** MSP; **Iain Smith** MSP; **Nicola Sturgeon** MSP; **Bill Butler** MSP; **Roy Devon**, Secretary, Scottish Branch Commonwealth Parliamentary Association; and **Margaret Neal**, Assistant Secretary, travelled to the province to learn more about how our legislature operates and to foster closer ties between our two parliaments. The group was able to attend many of the events associated with the 200th anniversary of the landing of the "Selkirk Settlers" Scottish Highlanders brought to Prince Edward Island by **Thomas Douglas**, the fifth Earl of Selkirk, in August 1803. The anniversary was a festival of all things Scottish, and the members of the Scottish Parliament were a very welcome and appropriate addition!

The Standing Committee on Public Accounts has commenced its review of the 2003 Report of the Auditor General to the Legislative Assembly, the first one prepared by the new Auditor General, **Colin Younker**. The Committee will present its recommendations to the Legislative Assembly when the Session resumes.

The twenty-ninth edition of the Province of Prince Edward Island *Statistical Review* was released on June 13, 2003. The review contains extensive and comprehensive socio-economic information for Prince Edward Island. It is widely distributed and provides an extensive reference for government and

the general public on economic indicators, the population and the social situation. The *Statistical Review* is available through the official website of the government of Prince Edward Island at www.gov.pe.ca

Marian Johnston
Clerk Assistant and
Clerk of Committees



Yukon

On June 12, 2003 the Legislative Assembly held a special sitting in Mayo to commemorate that village's centenary. This sitting marked the first time that the Assembly had convened in a Yukon community other than Whitehorse or Dawson City, which was the territorial capital until 1953. Many MLAs and spectators got into the centennial spirit, donning period dress for the occasion.

The sitting was held in the community hall, which was filled to capacity for the event. The evening sitting began with a prayer offered in Northern Tutchone by **Jimmy Johnny**, head of the Elders Council of the First Nation of Na Cho Nyäk Dun. The festivities continued with the introduction of special guests including **Shanon Cooper**, Mayor of the Village of Mayo; Chief **Steven Buyck** of the First Nation of Na Cho Nyäk Dun; and the Consul-General of France, **Jean-Yves Defay**.

There was also a special introduction for **Jean Gordon**. In addition to being a long-time resident of Mayo Mrs. Gordon was the first woman elected to the Yukon Territorial

Council, as the legislative assembly was known when she was elected on September 11, 1967. Her election came forty-eight years after the *Yukon Act* was amended to allow women to vote in Yukon elections. During her term Mrs. Gordon and her fellow councillors were instrumental in moving the territorial political system toward responsible government. She represented Mayo on the council until 1970.

The business before the House was, appropriately enough, Motion No. 100, a motion of congratulations to the people of Mayo for having attained their 100th anniversary. The MLA for the area, **Eric Fairclough** (NDP, Mayo-Tatchun) sponsored the motion. In debating the motion Members reflected upon the history and heritage of the village of Mayo and its residents, and that of the First Nation of Nacho Nyäk Dun. They also recalled personal experiences of having lived and worked in, or visited, the Mayo area. The motion passed unanimously.

The House then briefly recessed to hear speeches of welcome from Mrs. Cooper and Chief Buyck. Mrs. Cooper thanked the Members for coming to Mayo for the centenary celebrations and mentioned the close working relationship that has developed between the municipal council and the local First Nations government over the past 25 years. Chief Buyck also reflected on the theme of First Nations-government relations, referring specifically to his First Nation's land claims and self-government agreements.

At that point the recess was to end and the Assembly was to proceed to the adjournment motion. However, before the Speaker, **Ted Staffen** (Yukon Party, Riverdale North), could call the House to order Mrs. Gordon rose on a point of order and asked for leave to address the Assembly. Despite the unprecedented

and unscripted nature of the request the Speaker quickly offered Mrs. Gordon the floor and the Sergeant-at-Arms escorted her to the podium.

In her remarks Mrs. Gordon reflected on her 58 years in Mayo and her time on the territorial council. She also paid tribute to those who preceded her as the territorial representative for Mayo. At the conclusion of her remarks Mrs. Gordon received a standing ovation from the MLAs and spectators.

The transformation of the community hall into a legislative chamber entailed a substantial logistical effort. To lend the proper ambience and dignity to the occasion numerous parliamentary accoutrements were transported to Mayo, including: the Mace; the Speaker's Chair, mace table, side table and clerk's desk calendar that were used from 1972-1985; and the bars of the House. Provisions also had to be made for Hansard recording. Perhaps the greatest challenge was finding accommodation for the MLAs and their assistants, the table officers and the *Hansard* staff in the town of 500.

Floyd McCormick
Deputy Clerk



Manitoba

Legislative activity has been sparse in recent months with the political landscape dominated instead by the Province's 38th General Election held on Tuesday, June 3, 2003.

Premier **Gary Doer** (Concordia) and the NDP received a second mandate from Manitoba voters in this election, winning 35 out of 57 seats, an increase of 3 from 1999. The Progressive Conservatives retained their status as the official opposition with success in 20 ridings, a loss of four from 1999. The campaign marked PC leader **Stuart Murray's** (Kirkfield Park) first performance in a general election. The Liberals won two seats under the leadership of **Jon Gerrard** (River Heights).

Fifty-four percent of eligible voters exercised their franchise in this election, down from 68% in the 1999 election. In terms of popular vote the NDP won 49.4%, the PCs 36.3% and the Liberals, 13.1%. Notable campaign themes included health care, taxes, education, as well as ways to reduce the outward migration of young Manitobans.

Following a pattern similar to the 1999 election, two ridings faced recounts in the wake of these results.

An election night plurality of only 11 votes triggered an automatic recount in the rural riding of Minnedosa. The second count confirmed the original result with PC candidate **Leanne Rowat** eventually declaring victory by 12 votes.

In Fort Garry, the original result showed NDP candidate **Kerri Irvin-Ross** winning the Winnipeg riding by 84 votes. With the judicial recount threshold set at 50 votes a second vote count occurred here at the request of the PC candidate, incumbent **Joy Smith** (who won the seat in 1999 by 30 votes). The requested recount verified the NDP victory, this time by a margin of 87 votes.

One-Day Sitting

The 38th Legislature began its first session with a one-day sitting on

Monday, June 23. This busy day included the following events:

- The swearing-in of MLAs in the morning.
- The opening of the House at 1:30
- The re-election of **George Hickes** (Point Douglas) to a second term as Speaker of the House.
- An abridged Throne Speech and debate.
- The passage of a motion reinstating the Budget process begun in the last session of the previous Legislature.
- An emergency debate on the consequences and required actions flowing from the recent discovery of "Mad Cow Disease" in one Alberta cow.

The parties have agreed to resume regular sittings of the House on Monday, September 8.

New MLA Orientation

Eleven new MLAs and one returning Member constitute the class of 2003. Following the election, these Members were invited to attend a series of orientation sessions including presentations from the Table Officers, Legislative Counsel, the independent officers of the Assembly, as well as Legislative Assembly Administration and Members' Allowances. The Clerks' session included an emphasis on role playing designed to help the new Members better understand with their new roles and become more comfortable in the House and in Committees.

Cabinet Appointments

Premier Doer announced that **Rosann Wowchuk** (Swan River) would succeed the retiring **Jean Friesen** as Deputy Premier. Serving as Minister of Agriculture and Food since 1999, Ms. Wowchuk has represented the NDP in the Legislature for 13 years.

Cabinet vacancies created by the retirement of two cabinet ministers have been filled by existing ministers. There have been no other new appointments to cabinet.

2003 CCPAC/CCOLA Conference

As host of the 2003 joint conference of the Canadian Council of Public Accounts Committees and the Canadian Council of Legislative Auditors, Manitoba welcomes delegates from across the country. Running from September 14-16 at the historic Hotel Fort Garry in downtown Winnipeg, we look forward to a healthy exchange of information and ideas as well as a pleasurable social experience for all delegates.

Rick Yarish

Clerk Assistant /
Clerk of Committees



Nova Scotia

The Second Session of the 58th General Assembly reconvened for its Fall sitting on November 1, 2002.

The most prominent piece of legislation passed during that sitting was a bill making very substantial changes to the boundaries of several electoral districts. Other legislation was also passed at that sitting, all of a non-controversial nature with very little debate.

The House finished its Fall sitting on November 28, 2002 and then ad-

joined to be recalled by notice from the Speaker.

On March 27, 2003, the Second Session of the 58th General Assembly was prorogued and the Third Session of that General Assembly met on the same day, beginning with the Speech from the Throne, delivered by the Lieutenant Governor.

On April 4, 2003, the Minister of Finance delivered the Budget Speech, which included a 10 percent tax reduction and a tax rebate of \$155.00 to each person who paid income taxes.

Several pieces of legislation were passed at this Spring sitting, including legislation to provide workers' compensation to certain workers who develop cancer as a result of their work and amendments to the *Insurance Act* dealing with auto insurance rates.

Just before the Spring Sitting, a veteran member of the House and former Cabinet Minister, **Donald Downe**, resigned as a member, and just before the end of the sitting, the longest sitting member of the House, **Paul MacEwan** also resigned his seat after having served as a member continuously since October of 1970. Both Mr. Downe and Mr. MacEwan were members of the Liberal Caucus.

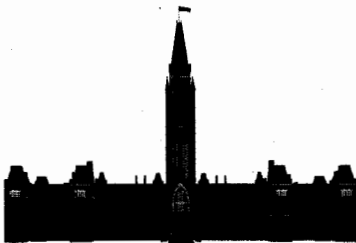
Several other members announced that they would not run in the next election. These were **Neil LeBlanc**, Minister of Finance, **Muriel (Fluff) Baillie**, member for Pictou West, both members of the Government Caucus, **Robert Chisholm**, a former leader of the Opposition and of the NDP and the NDP House Leader, **John Holm** and two members of the Liberal Caucus, **Jim Smith** and **Kenneth MacAskill**, both of whom has served as Cabinet Ministers in previous Liberal cabinets.

And during the sitting, **Brian Boudreau**, member for Cape Breton the Lakes left the Liberal caucus to sit as an independent.

On May 22, 2003, the House adjourned and on July 5, 2003, the House was dissolved and an election called for August 5, 2003.

As a result of the election, the Progressive Conservatives continue to form the Government, but it is no longer a majority Government with Progressive Conservatives winning 25 seats, the New Democrats 15 seats and the Liberals 12. The Liberal Leader, **Danny Graham** was elected to the House for the first time.

Art Fordham
Assistant Clerk



House of Commons

Set against a backdrop of mounting tensions in Liberal ranks in the run-up to the leadership convention later this fall, the government pushed through several contentious bills prior to adjourning the House for the summer on Friday, June 13th, 2003. Among the pieces of legislation passed in the Commons was Bill C-24, the Prime Minister's legislation on political financing, Bill C-39, which amends the *Members of Parliament Retiring Allowances Act* and the *Parliament of Canada Act* and Bill C-25, the *Public Service Staff Relations Act*.

Following its tumultuous passage through the Standing Committee on Procedure and House Affairs, where it was challenged by Liberal

and opposition Members alike, the Government's political financing package, Bill C-24, was subject to time allocation at Report Stage and Third Reading, and the bill was then moved very quickly through the Senate to receive Royal Assent on June 29th, 2003. The bill bans donations to political parties from corporations and unions and restricts corporate donations to MPs' riding associations to \$1,000. The bill also places a \$5,000 cap on donations from individuals. According to figures released by the Office of the Chief Electoral Officer, the legislation is expected to increase the taxpayer-funded portion of political activity from about 60% to 89%. The bill includes some last-minute government amendments that boost the public subsidy to political parties. Under pressure from Liberal MPs who argued the new system was not "revenue neutral," the Government introduced changes to the public funding formula for parties from \$1.50 per vote to \$1.75.

Bill C-39, which sets out the cost of past elective service for retiring Members of Parliament and provides for salaries for Chairs and Vice-Chairs of Special Committees, was also moved quickly through the Commons at all stages in one day, with unanimous consent, on June 2nd, 2003. It then moved on to the Senate and received Royal Assent on June 19th, 2003.

Bill C-25, the *Public Service Modernization Act* (PSMA), was passed by the Commons on June 3rd and is at committee stage in the Senate. The wide-ranging legislative package contains four main public service reform initiatives:

- It will repeal the current *Public Service Staff Relations Act* and enact a new *Public Service Employment Act* to govern labour relations in the federal public service.

- It will repeal the existing *Public Service Employment Act* and enact a new *Public Service Employment Act* to regulate appointments to the public service.
- It will bring changes to the *Financial Administration Act* to transfer certain human resources management powers from the Treasury Board to deputy heads of departments.
- It will amend the *Canadian Centre for Management Development Act* to pave the way for the amalgamation of the Canadian Centre for Management Development, and Training and Development Canada, into the new Canada School of the Public Service.

At the end of May, the Government introduced the long-awaited legislative reforms related to the possession of marijuana. Bill C-38, the *Act to amend the Contraventions Act and the Controlled Drugs and Substances Act*, sets out changes to the way Canada enforces the law, providing for alternative penalties against possession of small amounts of marijuana as well as creating new tougher penalties to target large marijuana grow operations.

During the Spring sitting an unprecedented number of Private Members' Bills were passed by the Commons (see the section on Private Members' Business for more information). The end of the sitting was characterised by the usual flurry of tabling of committee reports, including the report on "Matters relating to the Office of the Privacy Commissioner" tabled with the Clerk in early July and a massive report by the Standing Committee on Heritage following its exhaustive two-year study of the Canadian Broadcasting system. Finally, the SARS crisis and the effects of foreign embargoes against the import of Canadian beef, due to the single case of "mad cow" disease found in Western Canada, dominated Ques-

tion Period and formed the basis for two emergency debates.

Shortly after the House rose for the summer recess, on June 17, 2003, the Prime Minister announced that the Government would not appeal recent decisions of the courts of appeal in British Columbia and Ontario on the definition of marriage (the Government subsequently withdrew its appeal of a similar case in Quebec). At the same time, the Prime Minister announced that the Government of Canada would refer draft legislation legally recognizing the union of same-sex couples to the Supreme Court of Canada. The Government referred three main questions to the Supreme Court seeking clarification on whether the proposal falls within the exclusive legislative jurisdiction of the Parliament of Canada, whether the marriage of persons of the same sex is consistent with the *Canadian Charter of Rights and Freedoms* and finally, whether the freedom of religion guaranteed by paragraph 2(a) of the *Charter* protects religious officials from being compelled to perform such a marriage if it runs counter to their religious beliefs.

The furor sparked by the Supreme Court reference ran across party lines and news reports indicate that it dominated discussions at the national Liberal caucus held in August. The Canadian Alliance forced a vote on the issue early during the fall sitting of the Commons by re-introducing the same motion passed by the House in 1999, which re-affirmed marriage as a union between one man and one woman. The motion was defeated by a narrow margin of five votes. It is not known whether the Supreme Court will deliver its opinion on the matter this fall, and, accordingly, there is much speculation that the legislative package will likely not be introduced in the House until after the

current Prime Minister retires early next year.

Procedure/Privilege

During the week of May 12, 2003 two questions of privilege were raised by the Leader of the Government in the House of Commons, **Don Boudria**, concerning the role of Parliament in defining parliamentary privilege. Both cases related to whether Cabinet Ministers could claim parliamentary privilege as a lawful reason for failing to attend court proceedings.

The first question of privilege was raised in regards to a decision rendered by the British Columbia Court of Appeal (*Ainsworth case*) that questioned whether **Paul Martin** (Lib.) could claim parliamentary privilege as a reason for failing to attend an examination of discovery. While confirming the existence of parliamentary privilege, the B.C. Court asserted that there was no legal support for extending privilege for 40 days before and after a parliamentary session. The second question of privilege related to a ruling delivered by the Ontario Superior Court (*Telezone case*) regarding the failure of **John Manley**, Deputy Prime Minister and Minister of Finance, to appear before the Court. The Ontario Court found that while parliamentary privilege was clearly a right of Parliamentarians, it is limited to the period that Parliament is actually sitting and for 14 days after it adjourns.

In his ruling related to the two questions, the Speaker admonished both courts by stating:

We have parliamentary privileges to ensure that the other branches of government, the executive and the judicial, respect the independence of the legislative branch of government, which is this House and the other place. This independ-

ence cannot be sustained if either of the other branches is able to redefine or reduce these privileges... The privileges of this House and its Members are not unlimited but they are nonetheless well established as a matter of parliamentary law and practice in Canada today and must be respected by the courts.

He found both matters to be prima facie breaches of privilege. A motion to refer the two questions of privilege to the Standing Committee on Procedure and House Affairs was adopted immediately. The Committee has yet to study the matter in detail.

Committees

The Standing Committee on Government Operations and Estimates captured the spotlight in June with its report on the Office of the Privacy Commissioner. Following a review of the Supplementary Estimates B (2002-2003) and the Main Estimates for 2003-2004 relating to the Office of the Privacy Commissioner, the members of the Committee adopted a motion to call **George Radwanski**, the Privacy Commissioner, before the Committee to discuss a claim that a copy of a letter provided to the Committee had been 'falsified.' Following the meeting and some further investigation of the matter by the Office of the Law Clerk and Parliamentary Counsel, the Committee decided to hold a series of *in camera* meetings with the Commissioner and employees.

The Committee issued its 'interim' report on June 13, 2003, calling upon the Auditor General, **Sheila Fraser**, and the President of the Public Service Commission, **Scott Serson**, to look into concerns relating to the improper use of expense accounts and the possibility of intimidation of some of the Com-

mission's employees. Following days of media scrutiny and speculation, the Privacy Commissioner resigned his office on June 23, 2003.

The main report of the Committee was tabled with the Clerk of the House on June 27, 2003 and re-affirmed the unanimous conclusion of the June 13 interim report that members of the Committee had lost confidence in the Privacy Commissioner. It re-iterated that the Commissioner had deliberately misled the Committee on several occasions and indicated that the Committee would have recommended the removal of Mr. Radwanski from the position of Privacy Commissioner, had he not resigned himself. The report also recommended that a standing or special committee be instructed to report on the role and functions of Officers of Parliament (and delineated some of their proposed items of study); and that until such a study is completed, no personal financial arrangements should be entered into between any Officer of Parliament and any government department or agency. The Committee also indicated that, in the future, it intends to: scrutinize any prospective candidate prior to the ratification in Parliament of the appointment of a permanent successor to Mr. Radwanski; pursue a review of the effectiveness of existing protection for whistleblowers; and, pursue the issue of possible contempts of Parliament, as a result of deliberately misleading testimony given during the committee hearings into the matter. The Committee's report and recommendations can be considered only once the House resumes sitting in September. In the interim, the Prime Minister appointed **Robert Marleau**, the former Clerk of the House of Commons, as acting Privacy Commissioner effective July 2, 2003 for a six-month period.

The Standing Committee on Official Languages also made the news this spring following the tabling of its sixth report in late April, which recommended that a budget of \$30,000 be made available to cover a portion of the legal fees of the committee's chair, **Mauril Bélanger**, for his intervention in a court action (*Quigley v. Canada*). **John Reynolds**, House Leader for the Canadian Alliance raised a point of order when the report was tabled in the House, alleging that Mr. Bélanger had placed himself in a conflict of interest by signing the report because he had a direct pecuniary interest in the matter. Mr. Reynolds asked that the report be withdrawn. In his ruling the Speaker stated that Standing Order 21 concerns voting on questions in which a member has a direct pecuniary interest and is very specific that the pecuniary interest must be immediate and personal, and belong specifically to the person whose vote is contested. He went on to state that in signing a report, a committee chair does not take a position for or against its contents; rather, he or she merely attests that the report reflects the decisions of the committee.

The Special Committee on Modernization and Improvement of the Procedures of the House of Commons tabled its fourth and fifth reports in the House on June 12. The fourth report deals with a number of issues ranging from the provision of connections to the Parliamentary network for Members in the Chamber, the electronic filing of notices of motion and written questions as well as changes to the *Standing Orders* related to speaking times during debate on legislation, the certification and presenting of petitions, the notice provisions and speaking times related to the consideration of the Main Estimates. The fifth report recommends the ap-

proval, in principle, of electronic voting in the Chamber.

Among other key committee reports tabled in the House prior to the summer break are the following:

- "Our Cultural Sovereignty: the Second Century of Canadian Broadcasting" (review of the *Broadcasting Act*) (Standing Committee on Canadian Heritage);
- "Honouring the pledge: ensuring quality long-term care for veterans" (Standing Committee on Veterans Affairs);
- Review of the Electoral Boundaries Commissions' Reports (B.C., Ontario and Quebec) (Reports 39, 41-43 of the Standing Committee on Procedure and House Affairs);
- "Code of Conduct" (Standing Committee on Procedure and House Affairs);
- "Humanitarian Crisis in sub-Saharan Africa" (Standing Committee on Foreign Affairs);
- "The 2001 Fraser River Salmon Fishery" (Standing Committee on Fisheries and Oceans), and the
- *Fifth Report of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources* (requests that the House divide the Committee into two – an Aboriginal Affairs and Northern Development committee and a new Natural Resources committee).

Private Members' Business

During the spring sitting an unprecedented number of Private Members' Bills were passed in the Commons including:

- Bill C-205 (**Gurmant Grewal**, CA) – *An Act to Amend the Statutory Instruments Act* (Royal Assent - June 19, 2003) – the bill establishes a disallowance procedure for all regulations subject to review by the Joint Standing Committee on the Scrutiny of Regulations;
- Bill C-227 (**Brent St. Denis**, Lib.) – *An Act respecting a national day of remembrance of the Battle of Vimy Ridge* (Royal Assent – April 3, 2003) – designates April 9th as a

national day of remembrance for the historic battle;

- Bill C-249 (**Dan McTeague**, Lib.) – *An Act to amend the Competition Act* (Commons, Third Reading – May 13, 2003, at Second Reading in the Senate) – amends the *Competition Act* to clarify the powers of the Competition Tribunal to make or not an order in the case of a merger when gains in efficiency are expected or when the merger would create or strengthen a dominant market position;
- Bill C-411 (**Paul Bonwick**, Lib.) – *An Act to establish Merchant Navy Veterans Day* (Royal Assent, June 19, 2003) – designates September 3rd as a national day to honour Merchant Navy Veterans; and
- Bill S-5 (introduced in the Senate by Senator **Gerald Comeau** and sponsored in the Commons by **Mauril Bélanger**, Lib.) – *An Act respecting a National Acadian Day* – designates August 15th as National Acadian Day.

In addition to these five bills, Bill C-250 (**Svend Robinson**, NDP) – *An Act to amend the Criminal Code (hate propaganda)*, was considered by the Standing Committee on Justice and Human Rights and reported back to the House at the end of May. The bill expands the definition of “identifiable group” relating to the area of hate propaganda in the *Criminal Code* to include any section of the public distinguished by sexual orientation. It was debated in early June and was adopted at Report Stage and Third Reading on September 17, 2003.

Other Matters

On June 3rd, **Rey Pagtakhan**, Minister of Veterans Affairs made a statement to declare June 6th, 2003, a day of recognition for the official opening of the Juno Beach Centre in Courseulles-sur-Mer (Normandy, France), to commemorate Canada's contributions to the Second World War and in particular Canadian

participation in D-Day and the start of the campaign to liberate western Europe from the Nazis. Statements were also made by representatives of the opposition parties.

By-elections were held in two ridings in Quebec on June 16, 2003: **Gilbert Barrette** (Lib.) was elected in Témiscamingue and **Christian Jobin** (Lib.) won the riding of Lévis-et-Chutes-de-la-Chaudière).

The Fall sitting resumed on Monday, September 15, 2003.

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New Brunswick

The Fifth session of the Fifty-fourth Legislative Assembly adjourned on April 11, 2003. The House, which opened on November 19, 2002, sat for a total of sixty-eight days.

The House was dissolved on May 10, 2003, and a provincial election called for June 9. At the time of dissolution the standings in the House were 46 Conservatives, 7 Liberals, 1 NDP and one vacancy.

The Conservative Party under Premier **Bernard Lord** (Moncton East) was returned to power in the June election with a slim majority government. The Progressive Conservatives elected 28 Members, the Liberals elected 26 Members and the NDP elected one.

The Liberals under Leader **Shawn Graham** (Kent) increased

their representation in the House, returning a number of new and experienced Members. NDP Leader **Elizabeth Weir** (Saint John Harbour) retained her seat as the sole representative of the New Democratic Party.

A new 18-member Executive Council was sworn in on June 27, 2003. Seven Members who had served as backbenchers in the previous House were promoted to Cabinet, as well as one newly elected Member. The Department of Natural Resources and Energy was separated into two distinct departments. Former Deputy Speaker **Keith Ashfield** (New Maryland) was named Minister of Natural Resources. **Bruce Fitch** (Riverview) was named Minister of Energy.

The First Session of the Fifty-fifth Legislature was called into session on July 29, 2003. **Bev Harrison** (Hampton-Belleisle) was re-elected Speaker of the House. Mr. Harrison was first elected Speaker on July 6, 1999, and served as Speaker during the course of the Fifty-fourth Legislative Assembly. **Trevor Holder** (Saint John Portland) and **Cy (Richard) LeBlanc** (Dieppe-Memramcook) were appointed Deputy Speakers.

The House sat for a total of eight days in what was a rare summer session. The session was called primarily to deal with the issue of rising automobile insurance rates in the province, which proved to be a major issue during the thirty-day election campaign. The government had recently introduced new caps on damages for pain and suffering for minor personal injuries. However, fewer insurance companies than expected filed new lower rates with the Public Utilities Board (PUB). In response, the government introduced Bill 1, *An Act to Amend the Insurance Act*. The legislation would require every insurance

company doing business in the province to file rates with the PUB. The PUB would be required to review the rates and determine whether they are fair and reasonable to consumers. If the rates were found not to be fair and reasonable, the PUB could establish rates that were. Any company which did not file rates before the August 15 deadline, would have their rates automatically reduced by 20%.

The Official Opposition stated that the legislation did not provide for the insurance rate reductions that New Brunswickers needed. Opposition Leader Graham stated that the Bill did not legislate lower rates but simply required the insurance companies to file their rates with the PUB. The Opposition Leader stated that the rate reductions which might occur would be far less than what New Brunswickers required and a far cry from the reductions that should have occurred as a result of the new thresholds announced by government. Following a prolonged debate in the House and in Committee, Bill 1 was passed into law on August 8, 2003.

The Official Opposition introduced a number of Bills during the session, two of which were referred to legislative committees for review. Bill 2, *Volunteer Protection Act*,

would allow volunteers in the province to carry out their duties, while knowing that protection is in place to permit them to fulfill their tasks to the best of their ability. On introducing the legislation, the Opposition Leader noted that similar legislation had been implemented in other Canadian jurisdictions.

Given the extremely close standings in the House, Members from all parties noted that some cooperation would be required to ensure the House worked efficiently and effectively for the benefit of all New Brunswickers. The close House resulted in a number of standing votes being called on various issues. During the course of the two-week session, the Speaker was called upon to give one casting vote from the Chair.

The House appointed eight Standing Committees and four Select Committees, including a Select Committee on Health Care and a Select Committee on Education. The Assembly also appointed a Select Committee on Public Automobile Insurance, to be chaired by Ms Weir. The Committee is charged with reviewing and identifying the most suitable form of public insurance system for New Brunswick, should the province conclude that a public system is required. In addition, the Committee will review re-

lated matters or materials to be referred by the Minister of Justice, including a discussion paper on public insurance options. The Committee will hold public hearings in October and is expected to report to the House during the next sitting.

Recognizing forestry as one of New Brunswick's most important economic sectors, the Assembly appointed a new Select Committee on Wood Supply. The Committee will inquire into and report on the status of sustainable wood supply from Crown lands and make recommendations regarding potential legislative, regulatory or other changes that may be considered by government to improve upon the current wood supply and management system. The Committee is chaired by **Kirk MacDonald** (Mactaquac).

The installation of **Herménégilde Chiasson** as the 29th Lieutenant-Governor for the Province of New Brunswick took place in the Legislative Assembly Chamber on August 26, 2003. Dr. Chiasson replaces **Marilyn Trenholme Counsell**, who had served as Lieutenant-Governor of New Brunswick since 1997.

Donald J. Forestell
Clerk Assistant