



Legislative Reports



Saskatchewan

The results of the November 5th, 2003 general election have led to changes among the leadership of the provincial caucuses and the beginning of a new parliamentary framework in the legislature.

Premier **Lorne Calvert** (Saskatoon Riversdale) introduced his new cabinet on November 21, 2003 at a ceremony in Regina. The cabinet included several returning members and four first time ministers, three of whom were newly elected MLAs.

Of the newly elected MLAs, **Frank Quennell** (Saskatoon Meewasin) was appointed Minister of Justice and Attorney General and **Joan Beatty** (Cumberland), an active participant in the Aboriginal community, assumed responsibility for Culture, Youth and Recreation as well as Provincial Secretary. The third newcomer, **Len Taylor** (The Battlefords) will be able to draw upon his experience as a Member of Parliament from 1988 until 1997 in his new portfolio of Government Relations. The other newcomer to the cabinet table is **David Forbes** (Saskatoon Centre) with

responsibility for the Environment Department and the Office of Energy Conservation.

The opposition Saskatchewan Party will see changes in its leadership in 2004. On November 19th, **Elwin Hermanson** (Rosetown – Elrose) announced that he would step down as party leader. He will remain in office until the party's annual convention on February 27, 2004, when a new interim leader will be selected and the process of planning a leadership vote will commence.

Orientation sessions were offered to the ten new MLAs and their staff over several days in November. The first sessions covered the administrative and financial resources available to the MLAs in order for them to move quickly to establish their constituency offices. In later sessions, the MLAs were introduced to the many branches of the Legislative Assembly Office and given an overview of parliamentary procedure. The MLAs were also afforded the opportunity to meet with the Officers of the Assembly, Chief of Protocol for the province and the Lieutenant Governor and to hear from them an overview of their mandates and services. The MLAs returned to their homes at the end of the sessions laden down with manuals, pamphlets, videos and other resources, and thankfully, a CPA (Sask Branch) bag in which to carry it all.

New Information and Privacy Commissioner

On November 1, **Gary Dickson**, Q.C., was appointed the province's first full-time Information and Privacy Commissioner. Mr. Dickson practiced law for several years in Calgary before being elected as an MLA in the Alberta Legislative Assembly from 1993 until 2001. He has also worked extensively as a consultant, author and speaker on access, privacy and health information issues.

The commissioner has developed a website at www.oipc.sk.ca. The site provides background on the mandate of the commissioner, the services provided by the office, and the applicable legislation, forms and reports. In the coming months, the site will include recommendations from the OIPC and will feature privacy and access developments within the province or beyond. Links are available to other useful privacy resources.

The office is also producing a regular newsletter entitled "FOIP Folio" for administrative coordinators of those provincial bodies subject to the *FOIP Act*, municipal administrators and institutional health information trustees. It is also available on the commissioner's website. The newsletter will contain topical reports, recommendations from the office, best practices and other useful information.

New Committee Room

A newly renovated committee room awaits the return of the legis-

lature in March 2004. The only dedicated room for legislative committees has been expanded to facilitate the implementation of the Rules reforms. Cameras have been installed to allow the proceedings to be broadcast on both the legislative channel and on the Assembly's website. In addition, a broadcast control booth has been created in an adjacent office to permit the proceedings to be taped independently and simultaneously of the proceedings in the Chamber. The room has been rewired to accommodate the latest technology, including electronic access for laptops, projectors and the Internet. An expanded seating area will now accommodate twice as many staff, officials, and observers.

In the event two standing committees choose to meet at the same time, the Chamber will be used as a second venue. This has necessitated some adjustments in the House to accommodate the much smaller size of the standing committees. New witness tables have been constructed to adhere to the architectural design of the existing Chamber furnishings. These will be placed inside the main entrance door when needed during committee meetings. Microphones and other electronic hookups will be strung from nearby MLA and the Sergeant-at-Arm's desks. It is anticipated that staff to committee members will be permitted to freely enter and leave the Chamber during standing committee meetings while the public will be directed to observe the proceedings from the public galleries.

Margaret (Meta) Woods
Clerk Assistant



Yukon

The 2003 Fall Sitting of the Yukon Legislative Assembly began on October 30 and lasted 24 sitting days, ending on December 16, 2003. Ten bills passed the Assembly and received Assent at this time. These were:

- Bill No. 6, *Fourth Appropriation Act, 2002-03*;
- Bill No. 7, *Second Appropriation Act, 2003-04*;
- Bill No. 35, *Act to Amend the Public Printing Act*;
- Bill No. 36, *Act to Amend the Taxpayer Protection Act*;
- Bill No. 37, *Statistics Act*;
- Bill No. 38, *Act to Amend the Employment Standards Act*;
- Bill No. 39, *Decision Making, Support and Protection to Adults Act*;
- Bill No. 40, *Act to Amend the Access to Information and Protection of Privacy Act*;
- Bill No. 41, *Health Professions Act*; and
- Bill No. 42, *Territorial Court Judiciary Pension Plan Act, 2003*.

There was also one private member's bill introduced. **Pat Duncan** (Porter Creek South, Liberal), the leader of the third party, introduced Bill No. 102, *An Act to Amend the Employment Standards Act*. Debate on this bill was adjourned at second reading on November 6, 2003.

Taxpayer Protection Act

Attempts to change the *Taxpayer Protection Act* proved contentious. They were also procedurally unusual, in that two separate bills on the issue were debated during this Sitting. Premier **Dennis Fentie** (Watson Lake, Yukon Party) introduced Bill No. 36, mentioned above. Bill No. 101, *An Act to Amend the Taxpayer Protection Act*, was a private member's bill, sponsored by Ms. Duncan, and introduced in the 2003 Spring Sitting.

The *Taxpayer Protection Act* became law in 1996 under a previous Yukon Party government headed by **John Ostashek**. One of the critical aspects of the law is that the Yukon Government is prohibited from running an "accumulated deficit." Accumulating a deficit would cause an election to be called.

The motion for second reading of Bill No. 101 was moved on November 19. The amendment proposed in the bill was that the *Taxpayer Protection Act* only be amended with the unanimous consent of the Assembly. Invariably debate referred to Bill No. 36 which had been introduced and given first reading on November 5 and had been brought up in oral Question Period nine times before either bill was debated. Ms. Duncan argued her amendment was necessary because the act was so fundamental to Yukon's fiscal well-being and future that a high threshold for approval was necessary. Premier Fentie defended his approach to the act (as outlined in Bill No. 36) and argued that Ms. Duncan did not make the case for the higher threshold. After one hour of debate Bill No. 101 was defeated by a vote of 10-6.

Premier Fentie moved the motion for second reading of Bill No. 36 the next day. He said the principle purpose of the bill was to "facilitate the

economic recovery of the Yukon" by stimulating and increasing spending power. This would be done by changing the definition of 'accumulated deficit' to one that "conforms to that required by public sector accounting recommendations provided by the Canadian Institute of Chartered Accountants." This change, he said, was "recommended by the Auditor General of Canada." The effect of the change would be to "allow for an increase in the level of expenditures in a fiscal year without triggering the punitive provisions of the act."

Todd Hardy (Whitehorse Centre, NDP), leader of the official opposition, argued that this change of definition would inflate the territory's accumulated surplus from its current \$60-70 million to perhaps \$300 million. This, he said, would stimulate an unsustainable pattern of spending. He also argued that while accountants and auditors may have recommended changing the way the Yukon keeps its books, such a change was not necessary.

Ms. Duncan reiterated an issue that was central to much ensuing debate – whether the integrity of the *Taxpayer Protection Act* was being maintained. Government members argued that it was because the prohibition of an accumulated deficit remained. Opposition members argued the integrity of the law was not maintained because the new method of calculating the government's surplus or deficit made the prohibition moot.

Bill No. 36 encountered another procedural anomaly on November 27, 2003 when Mr. Hardy moved a motion while the bill was in Committee of the Whole. The substance of the motion was that before the committee reported the bill to the Assembly certain witnesses, including Mr. Ostashek and **Sheila Fraser**,

Auditor General of Canada, should appear in Committee of the Whole to answer questions about the nature and effect of Bill No. 36. Debate on the motion consumed the remainder of Orders of the Day on that day and most of Orders of the Day on the next sitting day, December 1. The motion was eventually defeated.

The committee finally reported Bill No. 36 on December 2nd. It passed third reading on December 16 by a vote of 11-6. In all its stages the bill consumed over 14.5 hours of debate.

Repayment of Outstanding Government Loans

The House revisited the issue of the repayment of loans owed to the government by corporations in which two cabinet ministers, **Peter Jenkins** (Klondike, Yukon Party) and **Archie Lang** (Porter Creek Centre, Yukon Party), have interests.

As reported in an earlier edition of this journal (volume 26, no. 2) on April 24, 2003 the Assembly voted down a motion calling on the government to garnishee a portion of their ministerial salaries as part of the repayment of these loans. On December 3, 2003 the Assembly debated a motion urging that members who are more than one year in arrears to the government be barred from serving in cabinet. Mr. Hardy, the mover of the motion, argued such a restriction was necessary to restore public confidence in the legislature and the government. He also said the motion was not targeted at Mr. Jenkins and Mr. Lang but was intended to prevent the government from having to face this situation in the future. **Haakon Arntzen** (Copperbelt, Yukon Party), a government private member, spoke first in reply. Mr. Arntzen argued that Premier Fentie had pledged to bring in a policy to

deal with the issue before the end of the 2003 Fall Sitting. As such, he argued, Mr. Hardy's motion was premature. Mr. Arntzen then moved that debate be adjourned. The motion to adjourn debate passed. Mr. Hardy and Ms. Duncan both criticized the government in the local media for adjourning debate so quickly.

Premier Fentie presented his policy to the Assembly on December 11, 2003. He did so in his speech in favour of a motion "THAT this House urges the Government of Yukon to present to the Legislative Assembly a permanent resolution to the outstanding government loans issue." Premier Fentie argued that the government needed to get out of the loans business. The permanent resolution envisioned in the policy involved three steps: forgiving loans owed to the government by non-governmental organizations; restructuring those owed by individuals and corporate entities to reduce interest payments or rates; and selling the loan portfolio to a private sector financial institution. Loans associated with Mr. Jenkins and Mr. Lang would not be entitled to restructuring. This, he argued, was a fair policy that would bring closure to the issue.

Opposition members supported the forgiveness of loans owing by NGOs. Their criticism of the policy centred on two points related to the sale of the loan portfolio to a private sector financial institution. Their first point was that the government would only receive an undetermined fraction of the money owed to it. Their second point was that the opposition wished to ensure that the two cabinet ministers in question repaid their loans in full to the government, and the policy as articulated by the Premier did not guarantee that outcome. Mr. Hardy also disputed the Premier's claim that

the government should not be in the loans business. He argued that over eighty percent of government loans had been repaid and the program had accomplished some good over the years.

During debate Mr. Hardy moved an amendment that focused on ensuring the cabinet ministers paid their loans and that no Yukon business would be bankrupted by the repayment policy. Mr. Fentie moved an amendment to the amendment that modified this language. The sub-amendment was agreed to on division with the opposition members voting against it. Mr. Fairclough (Mayo-Tatchun, NDP) then moved an amendment to the amendment as amended that focused on restoring to it some aspects that he felt had been diluted by Mr. Fentie's sub-amendment. Debate on the motion, the amendment as amended and the sub-amendment ended at the normal hour of adjournment. It was not recalled for debate before the Sitting adjourned.

Other Legislation

Six of the government bills had the support of the opposition. Bill Nos. 35, 38 and 42 were agreed to without recorded votes and less than 30 minutes were devoted to each. Bills Nos. 39 & 40 passed unanimously on recorded divisions, while Bill No. 37 passed third reading on a vote of 15-1 with only Ms. Duncan dissenting.

The appropriation acts, Bill Nos. 6 and 7, passed without the support of the opposition. Bill No. 41 encountered opposition as well with one NDP member, **Steve Cardiff** (Mount Lorne), moving two amendments to the bill. Both were defeated.

Floyd McCormick
Deputy Clerk



Upon the adjournment of proceedings, on December 18, 2003, the Members of the Quebec National Assembly had adopted 26 public bills, two of which were in private Members' bills, and five private bills since the resumption of proceedings last October 21.

On December 15, 2003, four days prior to the adjournment of proceedings, the Government House Leader moved a motion to suspend certain rules of procedure to enable the passage of eight bills that had given rise to numerous debates. An interesting point is that the terms contained in this motion as well as the bills referred to therein were considered and adopted over a three-day period.

Among the subjects of the bills contained in the motion, the following should be noted: childcare centres, concerning places giving entitlement to grants and the amount of the contribution required from parents; health services and social services, concerning the agreements reached between intermediate resources or family-type resources and public institutions; the territorial reorganization of certain municipalities; bargaining units in the social affairs sector and the process of negotiation of the collective agreements in the public and parapublic sectors; amendments to the *Labour Code* as regards the transmission of rights and obligations upon the transfer of part of the operation of an undertaking; and the creation of a ministry of Economic and Regional Development.

Rulings and directives from the Chair

On October 30, 2003, the Chair gave a directive concerning the management of Oral Questions and Answers.

The general principles that will guide the Chair in the management of question period will be in accordance with those established by the precedents of previous legislatures. In complying with these precedents, the four independent Members as a group will be permitted to ask two main questions per five sittings, in fourth place. These questions may be asked at any time within the five-sitting cycle.

As regards the Government Members, they may still ask up to two main questions per three sittings. However, if an independent Member and a Government Member both wish to ask a question on the same day, the Chair will then be called upon to determine whether it must allow two main questions from Members who are not from the group forming the Official Opposition.

Concerning the length of questions and answers, the Chair will base itself on the time allocations established previously.

On December 10, 2003, the Chair rendered his directive on the request made by the Member for Rivière-du-Loup, on Tuesday, December 2, 2003, concerning the designation of the four Members elected under the banner of the Action démocratique du Québec in the last general election.

The independent Members will henceforth be presented as Members of the Action démocratique du Québec on the Assembly channel and on Internet, particularly in the slide show presentation of Members. To be equitable, the Members of the parliamentary groups will

also be associated with their political party.

However, this may in no way generate rights that are not provided for in the *Standing Orders* of the National Assembly. The *Standing Orders* make no distinction between independent Members elected under the banner of a political party and those who are elected as such.

Colloquia, seminars, conferences

A delegation from the Quebec National Assembly chaired by **Christos Sirros**, First Vice-President, took part in the 5th General Assembly of the Parliamentary Confederation of the Americas (COPA), which was held from November 23 to 27, 2003, in Caracas, Venezuela. **Fatima Houda-Pepin**, the Member for La Pinière, and **Diane Lemieux**, the Member for Bourget, as well as **Jacques Côté**, the Member for Dubuc, **Pierre Moreau**, the Member for Marguerite-D'Youville, and **Janvier Grondin**, the Member for Beauce-Nord, formed the rest of the delegation.

One of the main issues under discussion at this General Assembly was the commitment of the COPA in the negotiation process of the Free Trade Area of the Americas (FTAA). The participants indicated the desire to be associated with the FTAA negotiation process in order to promote the interests and aspirations of the continent's populations with regard to this agreement. Parliamentarians emphasized the importance of making profitable use of the experience they acquired within the COPA and their respective parliamentary assemblies in implementing processes for consultation and the evaluation of the FTAA's impact on fellow citizens.

The parliamentarians thereupon reviewed the results of the meeting

of the ministers responsible for trade within the Americas, which was held on November 20 and 21 in Miami. The ministers examined the progress accomplished with regard to the FTAA. During the working meetings of the COPA committees, the parliamentarians studied the draft agreement of the FTAA and analyzed its effects on the public education and health systems, on peace and public security as well as on the environment. The results were subsequently recorded in a final declaration. This recommendation will be submitted to the heads of State and Government of the Americas.

Concurrently with the proceedings of the COPA, on 24 November 2003, the Network of Women Parliamentarians of the Americas held its fourth annual meeting, which dealt with the repercussions of the FTAA on women. The discussions focussed, among other subjects, on the significant impact of free trade in the fields of education, health and social services, sectors in which a great number of women work.

Parliamentary simulations

From December 26 to 30, 2003, some one hundred young Quebecers, from 18 to 25 years of age, came to the Parliament Building of Quebec for the holding of the 54th Legislature of the Youth Parliament.

The Youth Parliament examined and adopted four bills in the course of its proceedings: the *Act respecting financing of university institutions*; the *Act respecting the parapublic management of health care*; the *Act fostering access to election mandates*; and the *Act respecting rehabilitation in the prison system*.

Again this year, 125 young people between the ages of 18 to 25 and hailing from all regions of Quebec met at the National Assembly for the holding of the 18th Legislature

of the Quebec Student Parliament, from January 2 to 6, 2004.

During the four days of simulated parliamentary proceedings, six bills were given consideration and final passage, namely: the *Act respecting the financing of post-secondary studies*; the *Act to establish a public transport and urban development fund*; the *Act to amend the Election Act*; the *Act to redefine the powers of rural regional county municipalities*; the *Act to amend the Act respecting health services and social services*; and the *Act to amend the Public Service Act*.

Retirement

Pierre Duchesne, who exercised the duties of special advisor to the Secretary General of the National Assembly and who held the office of Secretary General from 1984 to 2001, retired on January 7, 2004.

Sylvia Ford

Secretariat of the Assembly

Committees

In addition to examining a great number of bills last autumn, the standing committees carried out several orders of reference by the Assembly as well as orders of initiative and statutory orders.

Orders of Initiative and Statutory Orders

The Committee on Public Finance carried out an order of initiative on the implementation of the new *Agence nationale d'encadrement du secteur financier*, which will group together under a single authority, beginning on February 1, 2004, the several agencies that currently regulate the securities, personal insurance and damage-insurance sectors. After having held public hearings, the Committee wished to

hear privately the head officers of the Bureau de transition de l'encadrement du secteur financier. A summons to witness and to produce papers was sent to the chairman of the Bureau, who had certain reservations with regard to providing papers containing personal information. This was only the third time that section 51 of the *Act respecting the National Assembly* was resorted to by a parliamentary committee in order to summon a witness to appear and produce documents. The CPF also tabled a report containing recommendations on the draft code of conduct for lobbyists within the framework of a statutory order under the *Lobbying Transparency and Ethics Act*.

The Committee on Public Administration heard the head officers of seven ministries and public bodies in relation to their administrative management. In addition, it tabled its eleventh report on the accountability of deputy ministers and chief executive officers of public bodies. This report contains some fifteen recommendations that were adopted unanimously by the members, some of which stem from accountability pilot projects carried out in pursuance of the *Public Administration Act*.

The Committee on Agriculture, Fisheries and Food held deliberative meetings to hear experts within the framework of the order of initiative on the examination of the new issues surrounding the biofood industry, from the farm to the table, particularly regarding GMOs, traceability and labelling, in order to improve the level of food security in Quebec. The Committee also held a press conference to present a working paper and to invite the interested individuals and organizations to submit a brief in view of the

public hearings that will be held in February 2004.

The Committee on Culture (CC) heard the representatives of some forty organizations within the framework of the general consultation with regard to the document entitled "Reforming Access to Information: Choosing Transparency". The Committee members also held deliberative meetings on nine occasions to prepare the final report that should be tabled in March 2004 and that will have reference to the various issues in relation to the protection of personal information and access to information.

The Committee on Education heard the head officers of six educational institutions at the university level on their financial statements for 2001-2002 tabled in the National Assembly, pursuant to the *Act respecting educational institutions at the university level*. This accountability exercise, which takes place over a three-year period, will enable the Committee members to hear the head officers of 19 Quebec universities.

Orders of Reference from the Assembly

The Committee on Planning and the Public Domain received 99 briefs and heard 86 groups and individuals within the framework of a general consultation on Bill 9, *An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities*.

The Committee on Social Affairs held two special consultations (by invitation) on the local health and social services network development agencies and on the bargaining units in the social affairs sector.

Finally, the Committee on Labour and the Economy held special consultations on the *Act to amend the Labour Code*, which is concerned

mainly with the management of subcontracting.

During the winter, the standing committees will be holding several public consultations, including the following:

- The Committee on Social Affairs will be especially busy, since it will be holding three public consultations on the following subjects: the implementation of the Convention on protection of children and cooperation in respect of intercountry adoption, the Quebec Pension Plan, and the Health and Welfare Commissioner.
- The Committee on Culture will hold a general consultation on the three-year immigration plan for 2005-2007
- The Committee on Labour and the Economy will examine Hydro-Québec's 2004-2008 strategic plan.
- The Committee on Education will hold a general consultation on quality, financing and accessibility of universities.
- The Committee on Agriculture, Fisheries and Food will hold a general consultation on food security.
- The Committee on Institutions will hold public hearings on two subjects: Bill 35, which creates the Administrative Review Tribunal of Quebec, and private security in Quebec (concerning particularly investigative or security agencies as partners of internal security).
- The Committee on Public Finance will hold a general consultation on the role of the Quebec Government in venture capital.

Robert Jolicoeur
Secretariat of Committees



Manitoba

The Second Session of the 38th Manitoba Legislature began on November 20, 2003 with the Speech from the Throne. The speech – the sixth from Premier **Gary Doer's** NDP Government – outlined a number of priorities, including:

- a new water protection act to set targets for water quality;
- expanding low-impact hydro and clean energy alternatives like wind and ethanol;
- legislation dedicating all provincial gas taxes to highways, roads and municipal infrastructure, as well as any new share of federal gas taxes;
- more doctors, nurses and diagnostic technicians; and
- new resources to fight organized gang crime;

The speech also discussed the effects of the BSE crisis and drought on cattle producers and farmers, the impact on export sectors of a rapidly rising Canadian dollar, the fallout from one of the worst forest fire seasons on record, and other challenges facing the Manitoba economy since last spring.

In his November 24, 2003 amendment to the Address in Reply motion, Official Opposition Leader **Stuart Murray** (PC - Kirkfield Park) noted a number of shortcomings in the speech and in the government's performance, including:

- failure to enhance health care;

- concerns related to the growth of organized crime;
- the lack of a long-term economic and taxation strategy
- failure to adequately address the BSE crisis; and
- concerns related to slow job growth;

On November 26, 2003, **Jon Gerrard** (Independent Liberal - River Heights), moved a sub-amendment to Mr. Murray's amendment. Mr. Gerrard's motion included a number of criticisms of the government's record, including the lack of a plan to address child poverty in Manitoba and the failure to provide a strategy to protect water quality in the province.

Mr. Gerrard's sub-amendment was defeated on a voice vote on November 28, 2003, while the government majority carried the day as Mr. Murray's amendment lost a counted vote of Yeas 20, Nays 33 on December 2, 2003.

Legislation

With cooperation from all sides of the House during the two-week fall sitting (which ended on December 4, 2003), three Bills received speedy passage, including Bill 2 - *The Biofuels and Gasoline Tax Amendment Act*. This Act allows the province, by regulation, to require 85 per cent of gasoline sold in Manitoba to be blended with 10 per cent ethanol by September 2005.

Bill 4 - *The Employment Standards Code Amendment Act* also passed during this sitting. This legislation provides unpaid compassionate care leave and improved job protection for Manitobans returning to the workplace from compassionate care, maternity or parental leave.

In accordance with an agreement signed by all parties in September 2003, the House is scheduled to resume sitting in March 2004.

Question Period

On December 2, 2003 an agreement was reached between the Government, the Official Opposition and the independent Members regarding the following guidelines for the conduct of Oral Questions:

- Fifty seconds allowed for questions and answers;
- The continued recognition of points of order and matters of privilege during Oral Questions, with the exception of points of order referring to Beauchesne citations 409(2), 410, 417 and 408(2);
- Changes to some of the conditions regarding "Leader's latitude" – a practice which allows leaders of recognized parties certain exemptions from regular time limits; and
- Revisions to the assignment of questions between the parties during Oral Questions.

With the exception of the last point, these guidelines will apply until the House rises in June 2004. A similar agreement emerged during our September 2003 session; however those arrangements were on a trial basis only, necessitating this new agreement.

Public Accounts Committee

The Manitoba Public Accounts Committee (PAC) continued its work through the fall session with two more meetings in December. The Committee considered and passed a number of reports from the Office of the Auditor General. Discussions also emerged during these sittings regarding provisions and procedures for calling witnesses to appear before the Committee. Historically, the Manitoba PAC has not called witnesses, with questions at meetings being directed instead to

the Auditor General and the Minister of Finance.

Rick Yarish
Clerk Assistant /
Clerk of Committees



British Columbia

The House adjourned on December 16, 2003, bringing to a close a busy Fall Sitting. During the 4th Session, ninety-five Government Bills and nine Private Bills have received Royal Assent.

Several major Government Bills were passed during the Fall Sitting. The *Youth Justice Act* (Bill 63), for example, focuses on deterring youth criminal behaviour, by providing judges the option of sending young offenders to jail for various serious offences if committed in locations within provincial jurisdiction, such as on school property or in a youth detention facility. Previously these offences were punishable only by fines, community service or probation. The Act also increases the maximum custody sentence from thirty to ninety days for some offences. During second reading of the Bill, the opposition argued that the government should be focusing on preventing criminal behaviour through adequate support for youth, rather than on deterrence. However, it unanimously passed the second reading stage and received Royal Assent on November 17.

The *Parks and Protected Areas Statutes Amendment Act* (Bill 84) was

also passed by the legislature in November. It makes several amendments to the *Park Act*, including clarifying that the minister may issue permits for activities related to resort and tourism development in Class A and C parks, removing the requirement to specify purposes for parks on their establishment, and allowing petroleum and natural gas exploration and extraction in parks and recreation areas under specified conditions. In addition, Bill 84 amends the boundaries of seven parks in the *Schedules of the Protected Areas of British Columbia Act*. The opposition criticized the Bill, saying that it deregulates parks and protected areas. They argued that, by allowing resorts and drilling in BC parks, this legislation puts BC's natural environment at risk. Bill 84 passed third reading on November 26 and received Royal Assent on December 2.

The passage of the *Significant Projects Streamlining Act* (Bill 75) also generated much interest and debate. The Act enables the Lieutenant-Governor-in-Council to assign special status to projects deemed to be significant and have broad benefits for the economic, social or environmental well-being of British Columbia. The government explained that the bill was developed to address BC's reputation as having a one of the most difficult and lengthy approval processes for major projects in North America. The government intends that designation under this Act will ensure that project reviews and approvals are addressed in reasonable time frames. During the debate on Bill 75, the opposition argued that the legislation fails to clarify which processes can and cannot be overridden by cabinet, and that it weakens environmental standards, because it prevails over most other statutes. The government re-

sponded to these concerns by noting that the Act does not change provincial or federal environmental, health or safety standards associated with the development or operation of a project. The *Significant Projects Streamlining Act* received Royal Assent on December 2.

Another key piece of legislation, the *BC Rail (Revitalization) Amendment Act* (Bill 89), was passed this fall. This new Act provides for the retention of public ownership of BC Rail's rights-of-way, rail bed and track but allows for the leasing of operating rights to an outside company. The government noted that the new legislation will benefit northern BC communities through better rail services, faster shipping times, lower rates and new economic opportunities. The opposition, however, maintained that it represents, in effect, the privatization of BC Rail and will result in the loss of tens of millions of dollars each year for British Columbians. Bill 89 also received Royal Assent on December 2 and comes into force by regulation.

One piece of legislation that was not anticipated by the government was the *Coastal Forest Industry Dispute Settlement Act* (Bill 99). The House came back into session on December 16, 2003 for a special sitting to deal with Bill 99. With the support of the opposition, leave was granted to permit the Act to pass through all three stages in one day. The Bill settled the coastal forest industry dispute by reinstating terms of the union's expired contract with Forest Industrial Relations, and implementing a process of mediation followed, if necessary, by binding arbitration to reach a collective agreement by May 31, 2004. The opposition, however, disagreed with the need for government to intervene in this labour dispute, arguing that the legislation interferes in the

free collective bargaining process and imposes a collective agreement.

Procedural Matters

On November 18, 2003, the Chair ordered the Member for Vancouver-Hastings to withdraw from the House during Question Period for the balance of the day's sittings for failing to withdraw an unparliamentary expression. One week later, in response to persistent and inappropriate interruptions of proceedings by Members on both sides of the House, and particularly, a charge by the opposition that the Chair was not conducting the proceedings with impartiality, the Speaker issued a statement. In it, he noted that this type of behaviour would not be tolerated in the House and brings the institution into disrepute. Under usual parliamentary rules, offending members would offer an apology for such behaviour. In this instance, however, the Chair left it to the judgment and conscience of the members involved.

Committee Activities

During the fall, the Select Standing Committee on Finance and Government Services reported back to the House on its pre-budget consultation, and completed its annual review of the budgets of the six statutory officers.

The Special Committee on the Citizen's Assembly on Electoral Reform also presented its second report this fall, which confirmed the selection of senior staff by the chair of the Citizen's Assembly.

Three new committees were appointed during the fall session. At the beginning of December 2003, the Special Committee to Appoint a Merit Commissioner was appointed, and **John Les** (Chilliwack-Sumas) named as convener. At the same time, the Select Standing Committee on Health,

chaired by **Susan Brice** (Saanich South), was asked to recommend effective strategies to change behaviour and encourage people to adopt lifelong healthy living habits. It is also required to conduct consultations and report on the status of recommendations from the Health Committee's 2001 and 2002 reports, and to determine any potential financial savings to the health care system from improved public fitness. As both Mr. Les and Ms. Brice were subsequently appointed to cabinet on January 26, it is expected that the Committee Members will elect new chairs early in the new session. In addition, the Select Standing Committee on Education, chaired by **Richard Stewart** (Coquitlam-Maillardville), received its terms of reference to investigate how students at public post-secondary institutions are benefiting from increased tuition revenues.

Legislative Assembly Website

The Legislative Assembly started a live webcast of its proceedings on October 6, 2003. The webcasts are also archived on the Legislative Assembly's website. Future enhancements to this pilot project could include audio and/or video webcasts of Committee of Supply-Section A estimates debates from the Douglas Fir Committee Room. In addition, this fall transcripts of legislative debates from 1970-1991 were uploaded to the Assembly's website. All existing *Hansard* transcripts are now available on-line.

Other Matters

On January 26, 2004, Premier **Gordon Campbell** shuffled his cabinet for the first time since the BC Liberal Party took over the reins of power in June 2001. With the addition of one new portfolio, the cabi-

net of twenty-eight members now qualifies as the largest ever appointed in the history of the province, and includes greater representation from the north, the interior and Vancouver Island. The creation of Minister of State portfolios with responsibility for mining, forestry operations and resort development signals a renewed focus on the resource economy and small business in BC.

Extra-parliamentary events

Carole James was elected leader of the British Columbia New Democratic Party on November 23, 2003. As Ms. James does not hold a seat in the BC Legislature, **Joy MacPhail** will remain the leader of the opposition in the House.

Mary Walter
Committee Researcher



Prince Edward Island

The Legislative Assembly opened for the First Session of the Sixty-second General Assembly on November 12, 2003. It adjourned to the call of the Speaker on December 16, 2003, after eighteen sitting days.

Several of the more significant pieces of legislation considered during the fall sitting were:

- *An Act to Amend the Insurance Act* (Bill No. 8) which adds provisions establishing a maximum recoverable amount of \$2,500 for minor personal injuries in automobile accidents, and establishes a rate review process under the supervision of the Island Regula-

tory and Appeals Commission for all automobile insurers. It also replaces the six-year limitation period for bringing an action against a person for the recovery of damages occasioned by a motor vehicle with a two-year limit, effective April 2006.

- *An Act to Amend the Electric Power and Telephone Act* (Bill No. 10) which provides the Island Regulatory and Appeals Commission with the authority to conduct examinations and inquiries into the level and appropriateness of the energy efficiency measures and initiatives of a public utility. It also permits the Lieutenant Governor in Council to direct the Commission to inquire into, and report on, any matter related to the provision of service by a public utility. In addition, all references to telephone services were removed from the act.
- *Prince Edward Island Science and Technology Corporation Act* (Bill No. 11) which establishes the crown corporation to be known as the Prince Edward Island Science and Technology Corporation. The powers of the corporation are intended to facilitate the stimulation of economic development in the province's science and technology sectors, as well as in its research community.
- *An Act to Amend the Human Rights Act* (Bill No. 13) which permits the designation of another member of the Human Rights Commission to act as Chairperson where the Chairperson is unable, for any reason, to carry out those functions and duties.
- *An Act to Amend the Employment Standards Act* (Bill No. 19) which provides for compassionate care leave of up to eight weeks for employees if a member of the employee's immediate family suffers from a serious medical condition carrying with it a significant risk of death within 26 weeks, where the condition has been diagnosed by a qualified medical practitioner.
- *An Act to Amend the Pharmacy Act* (Bill No. 24) which clarifies that regulations may be made for con-

trolling or prohibiting the sale of certain types of drugs. The bill also requires an applicant for a license to practise as a pharmacist to demonstrate proficiency in the English language.

Electoral Boundaries Commission

The *Electoral Boundaries Act* provides that, within 90 days following the third general election after the act became law in 1994, an Electoral Boundaries Commission must be established to make recommendations to the Legislative Assembly on the area, boundaries and the names of the twenty-seven electoral districts which were initially established under the Act. The chair is appointed by Executive council and he or she must be Supreme Court Judge or a retired Supreme Court Judge. The Speaker of the Legislative Assembly appoints the remaining two members, one of whom is nominated by the Premier and the other by the Leader of the Opposition. In early January 2004, the names of the commissioners were announced. The chair of the Commission is Mr. Justice **John McQuaid**; the commissioners are **John Mitchell QC** and **Roberta Hubley**. In undertaking its work, the Commission will hold public hearings and, in preparing recommendations, will also take into consideration the *Canadian Charter of Rights and Freedoms*, election data from the 2003 general election, existing polling divisions, geographical features, population patterns, communities of interest, municipal boundaries and other such factors as the Commission may deem relevant. The *Electoral Boundaries Act* states that a proposed district shall be not more than 25 percent above or below the average number of electors of all the proposed districts. Based on 2003 election data, there are presently nine electoral districts outside the variance provided by

the Act. The website address for the Commission is

www.electoralboundaries.pe.ca

Electoral Reform Commission Report

The 2003 Electoral Reform Commission Report was released on December 18, 2003. It is available at: www.gov.pe.ca

The Electoral Reform Commission was established in January 2003 and was directed to review all statutes and associated regulations respecting the manner in which members of the Legislative Assembly are elected; consider the impact which district boundary shifts, based on population shifts, may have for rural communities; and determine the relevance of an alternative electoral system, such as proportional representation for the province.

The Commission held a series of public meetings across the province and received submissions and presentations from individuals and organizations. The Commission also researched the evolution of the electoral system in Prince Edward Island and the major electoral systems worldwide.

The comprehensive report concludes that the best two electoral systems which might be considered as models for updating the present "first past the post" system would be the mixed member proportional system or the single transferable vote system. The report recommends considerable education and public engagement is required before any decision is made regarding changing the electoral system.

Speaker's Ruling

On November 12, 2003, during debate on the motion for election of deputy speaker, the Leader of the Opposition requested that Speaker rule "as to whether or not a conflict

exists between an honourable member serving as deputy speaker while at the same time serving on a cabinet committee." In delivering his ruling, Mr. Speaker stated that not all of the same constraints that are applied to the Speaker to ensure impartiality and independence are applied to the deputy speaker, and, secondly, in the absence of a clear assertion of breach of privilege, he was not in a position to determine the existence of a *prima facie* case of privilege. He concluded that while there may be the appearance of a possible or potential conflict of interest arising if a member of an executive council committee were to continue to serve as deputy speaker, the rules do not preclude a member serving in both offices. Ultimately, the decision as to who may or may not serve in the office of deputy speaker is one for the members of the House to decide. Mr. Speaker then referred the matter to the Standing Committee on Privileges, Rules and Private Bills, saying, "While I am guided by the Rules of this House with respect to the matter, I feel that careful consideration of the question is warranted by the Standing Committee on Privileges, Rules and Private Bills in ensuring that members themselves have an opportunity for input into defining the role and responsibilities of the deputy speaker and in determining an acceptable level of independence and impartiality for the office."

Death of Dr. George Dewar CM, OPEI

Prince Edward Island lost one of its most distinguished and respected citizens on November 19, 2003, with the death of Dr. **George Dewar**. Dr. Dewar was a former member of the Legislative Assembly, first elected in the 1955 provincial election. He served the people of West Prince until 1978, a remarkable 23-year po-

litical career. During that time he served as Minister of Education, Provincial Secretary and Leader of the Official Opposition. "Dr George" as he was familiarly-known throughout the province, entered the Canadian Medical Corps in 1941 and served until after the conclusion of World War II. He established a medical practice in O'Leary which he continued until just prior to his passing. Decorated widely for his service to the province, Dr. Dewar was made Member of the Order of Canada in 1993 and received the province's highest honour, the Order of Prince Edward Island, in 1996.

Marian Johnston
Clerk Assistant and Clerk of
Committees



House of Commons

The House was prorogued by proclamation on November 12, the day after the Liberal Party's leadership convention. On December 12, the newly elected leader, **Paul Martin**, was sworn in as Prime Minister along with his new Cabinet. Twenty-three MPs entered Cabinet for the first time, while fifteen Ministers from the previous Cabinet remained, most of them in new portfolios.

In a departure from past practice, the 27 parliamentary secretaries appointed by the Prime Minister were also sworn in as Privy Councillors. Their role has been modified so that they can better support their ministers and they will be invited to at-

tend Cabinet committee meetings relating to their area of responsibility. Furthermore, the practice of rotating parliamentary secretary appointments every two years will end, so as to ensure more stable partnerships with Ministers.

On January 7, a proclamation was issued summoning Parliament to convene at 3:00 p.m. on Monday, February 2, for a Speech from the Throne. One of the first items of business was the appointment of a Deputy Chair of Committees of the Whole and an Assistant Deputy Chair of Committees of the Whole, pursuant to the requirements of the *Standing Orders*. **Reginald Bélair**, Liberal MP for Timmins-James Bay, was reappointed as Deputy Chair of Committees of the Whole, while **Betty Hinton**, MP for Kamloops, Thompson and Highland Valleys, and a member of the Official Opposition, was appointed as Assistant Deputy Chair of Committees of the Whole. She replaces **Eleni Bakopanos**, Liberal MP for Ahuntsic, who became Parliamentary Secretary to the Minister of Human Resources and Skills Development.

Committees

Also at the commencement of every new session, the Standing Committee on Procedure and House Affairs presents a new list of members of the various standing committees of the House. Once this report is adopted by the House, committees will hold their organization meetings to elect, possibly by secret ballot, committee chairs and vice-chairs for the new session.

Legislation

When Parliament prorogued on November 12, some important bills died on the *Order Paper*. Some of these legislative initiatives may appear on the government's legisla-

tive agenda for the third session of the 37th Parliament, including: Bill C-34, *An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence*; C-38, *An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act*; C-49, *An Act respecting the effective date of the representation order of 2003*; and C-56, *An Act to amend the Patent Act and the Food and Drugs Act*.

Other items

The government priorities were laid out by the Governor General in the Speech from the Throne on February 2. The speech focused on three main objectives: strengthening Canada's social foundations, building a 21st Century economy, and strengthening Canada's role in the world. The Throne Speech also laid out the government's plans for democratic reform and described a number of changes that have been made to the organization of government departments and the Cabinet committee structure.

On February 4, the Leader of the Government in the House and Minister responsible for Democratic Reform, **Jacques Saada**, unveiled the Martin government's action plan for democratic reform. The plan rests on three pillars: ethics and integrity, an increased role for MPs and accountability.

The government will move immediately to establish the office of an independent Ethics Commissioner for the House of Commons and an Ethics Officer for the Senate.

Other significant aspects of planned reforms include:

- implementing a three-category voting system for government MPs;
- referring bills to committee before second reading more often;

- increasing resources for committees;
- the creation of a parliamentary committee on public security;
- increased review of appointments, including nominations to the Supreme Court of Canada; and
- more thorough examination of departmental estimates.

The merger of the Progressive Conservative Party and the Canadian Alliance has resulted in the number of parties in Opposition to the government being reduced from four to three, with several Members now sitting as independents.

Jean-François Lafleur

Procedural Clerk
Table Research Branch
House Proceedings



New Brunswick

On December 9, 2003, the First Session of the 55th Legislature resumed and sat for a two-week period before adjourning to March 30, 2004. The First Session was convened in July of 2003, weeks after the provincial election, to deal with the matter of high insurance premiums in the province. In the interim, the increased numbers of newly elected opposition MLAs precipitated the move of Debates Translation from the Jewett House on Secretary Lane to the Edgcombe House, a nearby heritage home on King street.

Most of the debate during the two-week December sitting focussed on two Government Bills: Bill 9, *An Act to Amend the Municipal Assistance Act*, proposed to provide for the distribution of the unconditional grant for the calendar year 2004 and a special one-time grant for certain municipalities. The legislation will provide that each municipality receives 90% of the amount granted in 2003. For most municipalities, the reduction in grant funding is more than offset by the revenue generated by the increase in their 2004 tax base calculated at the 2003 tax rate, stated Minister of Finance **Jeannot Volpé**, (Madawaska-les-Lacs), in introducing the Bill in the House. For those municipalities where this is not the case, a second amendment provided for a one-time special grant to ensure that they have the same amount of revenue from the combined grants and property taxes as they did in 2003.

Bill 11, *An Act to Amend the Gasoline and Motive Fuel Tax Act*, proposed an increase in gasoline and motive fuel tax rates announced in the last budget and clarified the imposition of tax on single trip fuel permits issued to truckers. In the 2003-2004 Budget introduced on December 10, 2002, the government had announced that effective at midnight, the gasoline tax rate would increase by 1.5 cents from 13 cents per litre to 14.5 cents per litre and that motive fuel tax would increase by 1.5 cents from 15.4 cents per litre to 16.9 cents per litre. Another measure will move the provision that determines the amount of tax to be paid on single trip fuel permits by interjurisdictional truckers who are not International Fuel Tax Agreement participants, from regulation to the Act.

On December 16, 2003, Minister of Finance Jeannot Volpé intro-

duced the 2004-2005 Capital Estimates. The \$375.8 million gross capital budget, 26% higher than last year's revised budget, focussed on increased investments in health and wellness, \$53.7 million, a 46.2% increase; in education, \$46.0 million, a 31.4% increase over 2003-2004 revised figures; in transportation, a \$45.8 million increase, and increases for municipal and community infrastructure.

The Minister announced that the province is moving toward a major change in its accounting procedures relating to tangible capital assets that will enhance accountability to taxpayers, following the recommendations of the Public Sector Accounting Board (PSAB) of the Canadian Institute of Chartered Accountants. Five provincial jurisdictions and the federal government have already done so, and the remaining jurisdictions are doing the same. New Brunswick Auditor General **Daryl C. Wilson** is the current chair of PSAB.

Committee Activity

The escalating cost of public automobile insurance premiums and the reform of the province's *Crown Lands and Forests Act* were the major focus of committee activity during the late fall of 2003. The Select Committee on Public Automobile Insurance mandated to recommend a public automobile insurance system that is fair, affordable and accessible to all New Brunswick drivers consulted with New Brunswickers to hear their advice and opinions on what may constitute the best public automobile insurance model for the province. Public hearings were held in seven locations throughout the province. A consultation paper on public auto insurance provided guidance on public automobile insurance issues and options and described public

automobile insurance models in Quebec, Manitoba, Saskatchewan, and British Columbia, and explained the current private automobile insurance system in New Brunswick. New Democratic Party Leader **Elizabeth Weir**, (Saint John Harbour), was elected chair of the committee.

The Select Committee on Wood Supply was mandated to inquire into and report on the status of sustainable wood supply from Crown lands in New Brunswick and to make recommendations regarding what legislative, regulatory or policy changes may be considered by government to improve the current wood supply and the management thereof. The Committee, chaired by Progressive Conservative Member **Kirk MacDonald**, (Mactaquac), held 13 days of public hearings in seven locations throughout the province. Both Select Committees have begun their deliberations in preparation of their final reports for presentation to the House.

On December 19, 2003, Premier **Bernard Lord** announced the creation of a commission on Legislative Democracy, fulfilling a promise made during the June 2003 election. Chaired by **David McLaughlin**, former Deputy Minister of Intergovernmental and Aboriginal Affairs, the Commission is mandated to examine and make recommendations on strengthening and modernizing New Brunswick's electoral system and democratic institutions and practices, to make them more fair, open, accountable and accessible to New Brunswickers.

The commission's mandate will focus on three key areas: electoral reform that will look at changes to how we elect MLAs to the Legislative Assembly; legislative reform which will examine how we can enhance the role of MLAs and the legislature in the public and political

life of our province; and democratic reform, which will seek to give a stronger voice to New Brunswickers in the decisions of their government and their legislature.

In questioning the Premier on this initiative during question period on December 19, 2003, Opposition House Leader **Kelly Lamrock**, (MLA for Fredericton-Fort-Nashwaak), expressed concern that the Commission had been appointed by government and would be reporting its recommendations to the Premier.

Two Private Member's Public Bills introduced by Opposition Leader **Shawn Graham**, (Liberal MLA for Kent), were referred for further study to the Standing Committee on Law Amendments. Bill 2, *Volunteer Protection Act*, is intended to encourage volunteerism by protecting volunteers in certain situations from being liable for damages caused as a result of their volunteer work; and Bill 5, *An Act to Amend the Workers' Compensation Act*, which proposed to expand the scope of worker's compensation coverage to protect both professional and volunteer firefighters who develop cancer directly related to their public service. The Committee recently began its deliberations on both Bills and is expected to report when the House resumes March 30, 2004.

Rule Changes

In an effort to make Question Period more effective, rule changes to limit the length of questions and answers were recommended by the Standing Committee on Procedure in a report presented to the House December 9, 2003. Among the Committee's recommendations were:

- That the Clerk of the House maintain at the Table a Register of Paired Members in which any Member of the Government

party and any Member of an Opposition party may have their names entered together by their respective Whips or House Leaders, to indicate that they will not take part in any recorded division held on the date inscribed on that page of the Register.

- That an additional item of routine business entitled "Condolences and Messages of Sympathy" be added to the ordinary daily routine of business in the House. This item of business would not be called by the Speaker unless the Speaker has received prior notice of a Member's intention to present a message of condolence or sympathy.
- That a Member asking a question speak for no more than sixty seconds and that a Minister's reply not exceed sixty seconds. That a Member asking a question be allowed two supplementary questions on the same subject matter.
- That debate on an item of Private Members' Public Business be limited to 2 hours to ensure that Members are given the opportunity to introduce debate and influence issues of immediate and current concern to all.
- That motions considered during the days allotted for Private Members' Business alternate between Opposition and Government Members to allow all Private Members the opportunity to debate issues of concern.

By agreement of both sides of the House, the Committee's recommendation to amend the Standing Rules to give the chair of the Committees of the Whole House a deliberative vote, and a second or casting vote in the event of a tie, was not adopted.

Subsequently, the House adopted a resolution (Motion 72) moved by Government House Leader **Brad Green**, (MLA for Fredericton South), and seconded by Opposition House Leader Kelly Lamrock, that the Legislative Assembly acknowledge and confirm the agreement entered into between

the Government and the Official Opposition as hereto set forth:

The Government and the Official Opposition agree that each shall provide the name of a Member of their respective caucus for the purpose of their entering into a pairing agreement to indicate that they will not take part in any recorded division held during any and all proceedings of the Committees of the Whole House during the life of the Fifty-fifth Legislative Assembly.

Other matters

On November 25, 2003, Liberal MLA **Bernard Richard** resigned to accept the position of Ombudsman for the province effective January 3, 2004. Mr. Richard was first elected to the Legislature September 23, 1991, as the MLA for Shédiac. He was re-elected September 11, 1995, to represent the new constituency of Shédiac-Cap-Pelé. He served as Minister of State for Intergovernmental and Aboriginal Affairs and Minister of Education. He resigned from Cabinet in February 1998 and ran unsuccessfully for the leadership of the Liberal Party. He was re-elected June 7, 1999, and served as Interim Leader of the Opposition and as finance and justice critic. He was re-elected June 9, 2003, and was Opposition House Leader at the time of his resignation. Mr. Richard replaces **Ellen King** who served as Ombudsman since 1993. His resignation gives the Progressive Conservative government of Premier Lord a two-seat majority in the 55-seat House. Standings are Progressive Conservatives, 28; Liberals, 25; NDP, 1; and Vacant, 1.

During the two-week December sitting, a woman chained herself to a radiator near the entrance of the Assembly Chamber to protest the decision of the government to relocate a hospital in her region. The demonstration was peaceful in na-

ture; however, following repeated requests from the Sergeant-at-Arms and security personnel that she remove her chains and vacate the area, the woman's chains were cut and she was escorted out of the building.

On December 12, 2003, **T.J. Burke**, (Liberal MLA for Fredericton North), laid upon the table of the House a petition signed by concerned citizens who maintained that Ritalin was over-prescribed in the province. (Petition 14) The petition was organized by **Charles LeBlanc** of Saint John, N.B., who occupied the grounds of the Legislature for the previous 180 days and brought attention to the concerns of children suffering from attention deficit disorders. Mr. LeBlanc vacated the grounds after the tabling of the petition.

The First Session is scheduled to resume March 30, 2004, with the presentation of the budget.

Loredana Catalli Sonier

Clerk of the Legislative Assembly of
New Brunswick



Alberta

The Fall Sitting of the Third Session of the Twenty-Fifth Legislature adjourned on December 3, 2003 after 10 sitting days. At the conclusion of the sitting, 19 Government Bills and 2 Private Members' Public Bills were passed by the Assembly.

On December 2, 2003, Minister of Justice **Dave Hancock**, Q.C. introduced Bill 56, *Alberta Court of Justice Act*, which would create the framework for a unified family court with jurisdiction over all youth and family matters. It was not proceeded with in order to allow for consultation with justice stakeholders. Also left on the *Order Paper* was a Government Motion encouraging a constitutional amendment for a Triple E (elected, effective and equal) Senate. The motion was introduced on May 15, 2003, the last day of the Spring Sitting, by **Halvar Jonson**, Minister of International and Intergovernmental Affairs but was not debated during the Fall Sitting.

During the Fall Sitting, the Assembly approved supplementary estimates totaling \$1,249,335,000. Of that amount approximately \$564 million was for programs associated with Bovine Spongiform Encephalitis (BSE) and its impact on the cattle industry.

Government Bills

The most contentious Bill introduced during the Fall Sitting was Bill 53, *Insurance Amendment Act, 2003 (No. 2)*, sponsored by **Rob Renner** (PC, Medicine Hat). Bill 53 provides a framework for the implementation of the province's automobile insurance reform package which will include a new rate structure. The legislation provides the mechanism for an interim freeze on automobile insurance premiums retroactively to October 30, 2003 while the Government implements the reform package, details of which will be finalized through regulation. Opposition Members still indicated they did not support the Bill. **Hugh MacDonald** (Lib. Edmonton-Gold Bar) moved a reasoned amendment at Second Reading and a recommittal amendment at Third Reading. **Brian Mason** (ND Ed-

monton-Highlands) moved a reasoned amendment at Third Reading.

Other Bills passed during the Fall Sitting include:

- Bill 43, *Post-Secondary Learning Act*, introduced by Dr. **Lyle Oberg**, Minister of Learning, was held over from the Spring Sitting to allow for additional consultation. The Bill combines and updates four Acts dealing with post-secondary education. As a result of these discussions several Government amendments were introduced and passed by the Assembly during the Fall Sitting. The Bill replaces the existing 30 per cent tuition cap, linked to an institution's net operating expenditures, with a new tuition fee policy. Where tuition constitutes less than 30 per cent of an institution's net operating expenditures, the maximum annual increases will be based on the Alberta Consumer Price Index [CPI]. The Bill creates a new body to review proposals for new degree programs. Institutions that exceed the 30 per cent threshold will only be permitted a maximum annual increase of CPI plus two per cent, up to a maximum of five per cent. Materials and service fees required for courses and programme completions will now be considered part of tuition fees and, therefore, subject to the same restrictions. The Opposition parties opposed the Bill for they felt it would limit and restrict the accessibility and affordability of post-secondary education.
- Bill 44, *Personal Information Protection Act*, introduced by **David Coutts**, Minister of Government Services, establishes rules for personal information held by private businesses including employee information which are not currently subject to the *Freedom of Information and Protection of Privacy Act*. The legislation, which took effect January 1, 2004, applies to Alberta instead of the federal *Personal Information Protection and Electronic Documents Act*.

- Bill 45, *Family Law Act*, introduced by **Marlene Graham** (PC, Calgary-Lougheed), consolidates several provincial statutes on family law and updates the law in the areas such as spousal and adult interdependent partner support, child support, guardianship, parenting and surrogacy.
- Bill 49, *Public Lands Amendment Act, 2003*, introduced by **Denis Ducharme** (PC, Bonnyville-Cold Lake), reinforces and clarifies existing legislation dealing with unauthorized use of industrial roads or access points on public lands and authorizes the department to deal with non-compliance on public lands. The Bill also includes provisions to allow bison grazing on public land. The Government was criticized by the Opposition for introducing the Bill before consulting with the Chiefs of Treaty 8 who have been in conflict with oil field contractors in the Slave Lake area. The Premier later apologized to the Chiefs, who were in the galleries, and explained that it was a case of "the legislation getting out ahead of the consultation process."

Private Members' Public Bills

Two Private Members' Bills were passed during the Fall Sitting. They are:

- Bill 206, *Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003*, sponsored by **Harvey Cenaiko** (PC, Calgary-Buffalo), amends the *Traffic Safety Act* by allowing police officers to seize vehicles when the driver has been charged with a prostitution-related offence. The Act comes into force on Proclamation.
- Bill 208, *Occupiers' Liability (Recreational Users) Amendment Act, 2003*, sponsored by **Ray Danyluk** (PC, Lac La Biche-St. Paul), amends the *Occupiers' Liability Act*. The Bill limits the liability of agricultural land owners to recreational users of their property. It comes into force on Proclamation.

Privilege

On November 18, Official Opposition MLA **Kevin Taft** (Lib, Edmonton-Riverview), raised a purported question of privilege regarding the Minister of Infrastructure's knowledge of test results for toxic mold at the former Holy Cross Hospital in the City of Calgary. Dr. Taft alleged that the Minister of Infrastructure, **Ty Lund**, deliberately misled the Assembly in his statements on May 15, the last day of the Spring Sitting, in an exchange during Question Period about certain test results. Mr. Lund vigorously denied the allegation.

On November 24, Speaker Kowalski ruled that there was no *prima facie* question of privilege. He explained that "there was considerable room for subjective interpretation and ambiguity" and that "these matters are usually a dispute over facts." In his ruling, the Speaker explained that the matter was being dealt with in the Fall Sitting as the Member "presumably did not have that opportunity to raise the matter before the end of the sitting." In quoting from a previous ruling concerning an allegation of deliberately misleading the Assembly, Speaker Kowalski said:

"It would be difficult for the Chair to conclude that a contempt of the House arises every time a Minister misspeaks or misstates departmental pol-

icy. Exactness in all answers to question in Question Period would also require exactness in all questions. This would seem to amount to an impossible standard of perfection that would certainly go beyond the standard expected in any Westminster-style parliament."

Other Events

The traditional Remembrance ceremony took place in the rotunda of the Legislature Building on November 6, 2003. **Ken Kowalski**, MLA, Speaker of the Legislative Assembly, along with **Shirley McClellan**, Deputy Premier; **Ken Nicol**, MLA, Leader of Her Majesty's Loyal Opposition; and **Raj Pannu**, MLA, Leader of the Third Party participated in the service. Wreaths were laid on behalf of the Legislative Assembly of Alberta, the Royal Canadian Legion, the Canadian Corps of Commissionaires, the Alberta Union of Provincial Employees, and the youth of Alberta.

The second annual Mr. Speaker's MLA for a Day will take place on March 16 and 17, 2004 and April 20 and 21, 2004. The program is designed to give Alberta high school students the chance to find out what it really means to be an MLA. Through conversations with MLAs and participation in a two day program, students find out how MLAs act as lawmakers and community representatives. The Legislative Assembly is proud to be in partner-

ship with the Royal Canadian Legion, Alberta NWT Command, who will be sponsoring and assisting with the program.

The Select Special Ethics Commissioner and Ombudsman Search Committee, chaired by **Janis Tarchuk** (P.C. Banff-Cochrane), had recommended that **G. B. (Gord) Button** be appointed Alberta's seventh Ombudsman for a 5-year term effective September 15, 2003. The recommendation was confirmed by the Assembly on December 1.

Dr. **Ken Nicol**, resigned as Leader of the Official Opposition, on February 9, 2004. He announced in January that he will be seeking the Liberal nomination for Lethbridge in the next federal election. Official Opposition House Leader, **Debby Carlson** (Edmonton-Ellerslie), has also indicated that she will be seeking a federal nomination for the Liberal Party.

Spring Sitting

The Spring Sitting of the Fourth Session of the 25th Legislature commenced on February 17, 2004 with the Speech from the Throne delivered by the Lieutenant Governor of Alberta, Lois Hole.

Robert Reynolds
Senior Parliamentary Counsel
Micheline Gravel
Procedural Clerk