



Legislative Reports



New Brunswick

The first session of the Fifty-fifth Legislature which adjourned December 19, 2003, resumed on March 30 when Finance Minister **Jeannot Volpé** (MLA for Madawaska-les-Lacs) delivered the 2004-2005 budget address. The Minister noted that the first budget of this Legislature was sending a clear message: "we must live within our means and we must focus on priorities." He stated that the budget continues to invest in the top priorities of New Brunswickers: health and senior care, education and children, jobs and prosperity. The Minister noted that the budget provides more money in the classroom and at the bedside, and less on administration.

The 2004-2005 Budget includes:

- record levels of spending on health and senior care (\$2.06 billion) and education (\$1.15 billion);
- key investments in the *Prosperity Plan* for innovation, learning and small business;
- no new taxes and no tax increases; realization of savings

and efficiencies in government departments;

- elimination of duplication and overlap;
- redirection of realized savings to front-line care and services;
- a balanced budget for 2004-2005 with a modest reduction in net debt of \$2.4 million.

The Minister noted that the budget will be balanced over the four-year period 2000-2001 to 2003-2004 with an anticipated cumulative surplus of \$161.8 million, in accordance with balanced budget legislation – the first time that the balanced budget legislation has been met over a four-year cycle.

In his response to the 2004-2005 Budget, Opposition Leader and Finance Critic **Shawn Graham** (MLA for Kent) criticized the government for failing to outline its vision in a new Throne Speech. He noted that the House had sat only 16 days since the June 2003 election and the government had limited its legislative agenda to a two-page speech on insurance. He also criticized the government's lack of transparency for changing the way civil service employees are accounted for, noting that the new workforce profile will no longer show department FTEs and fiscal year changes. He claimed that the budget was vulnerable as it was based on revenue projections that were too optimistic, a health budget that was far too low, and wage freezes that might never happen. Mr. Graham predicted that the government would be in a deficit

position by the end of the first quarter.

Speaker's Ruling

On April 2, Opposition House Leader **Kelly Lamrock** (MLA for Fredericton-Fort Nashwaak), in rising on a question of privilege cited media reports that the government had begun to reduce the number of positions in the civil service, as outlined in the government's budget. The Member submitted that by taking this action, prior to the budget being considered and approved by the House, the government has either breached the rule of anticipation, or had obstructed or impeded the House in the performance of its functions, which had resulted in an offence against the authority or dignity of the House.

In a decision delivered April 7, Speaker **Bev Harrison** (MLA for Hampton-Belleisle) noted that Members are free to debate and criticize the budget and to approve or reject the estimates for each department and are not obstructed or impeded in the performance of their duties.

Legislation

On March 31, **Brenda Fowlie**, Minister of the Environment and Local Government (MLA for Kennebecasis) introduced an amendment to the *Clean Water Act* which proposed to provide municipal employees with the authority to issue exemptions from the *Wellfield Protected Area Designation Order*, to streamline the application of the order at the local level, delegating mu-

municipal employees with the authority to issue exemptions, thus improving administrative efficiency.

The *Wellfield Protected Area Designation Order* helps safeguard the drinking water supplies of municipalities that rely on groundwater as their primary source of drinking water. The order identifies the list of land use activities that can either be carried out or that are restricted at varying distances from the production wells of designated wellfields.

Mrs. Fowlie also introduced *An Act Respecting Sunday Shopping* which would allow municipalities to decide whether retail businesses open for Sunday shopping. The Bill proposes to eliminate the requirement that municipalities apply to the Municipal Capital Borrowing Board for an exemption to allow Sunday shopping and will empower municipal councils with by-law-making authority regarding retail opening on Sundays in their jurisdiction. The proposed legislative changes will also prohibit retail businesses from being open on any of New Brunswick's prescribed days of rest, unless otherwise exempted under the *Days of Rest Act*.

During the session, Opposition Leader Graham (MLA- Kent) introduced the *Fiscal Transparency Act*, which proposed a two-pronged approach to the province's financial accountability:

1. The Auditor General would undertake a financial review of the provincial finances at the three and a half year mark of a government's term and present a report within 60 days to ensure that voters and Opposition parties have the most up-to-date and impartial financial information before heading to the polls. In the case where an election is not called at the four-year mark, the Auditor General would begin another financial review at the four and a half year mark.

2.2 The Minister of Finance would provide an updated statement of the province's finances to the Auditor General within 60 days of the end of each quarter of the fiscal year. The Auditor-General would then forward a copy of these statements to the Legislative Assembly along with any comments he or she feels necessary.

The Bill was defeated at the second reading stage.

On April 20, Minister of Justice and Attorney General **Brad Green**, QC (MLA for Fredericton South) introduced the *Securities Act*. The Minister stated that the new Act will provide a modernized securities regulatory system that is harmonized with securities legislation in other Canadian jurisdictions. As a result, securities laws in New Brunswick will be familiar to market participants across Canada and regulation will be more consistent, fair and cost effective. The Bill will provide operational flexibility through an industry funded Crown Corporation called the New Brunswick Securities Commission made up of a quasi-judicial tribunal and a separate operational tier of permanent, specialized staff. The Bill has two thrusts: to encourage confidence and investment in New Brunswick business and to protect investors. The establishment of the New Brunswick Securities Commission fulfills a major commitment made by government.

On April 21, Opposition Leader Graham introduced the *Child and Youth Advocate Act* noting that such an advocate was a key recommendation in the child welfare report *Children Come First*. The Bill proposes a child advocate who would inform the public and government of the needs and rights of children and youth; ensure that adequate services are provided to children and youth; advise the government on services affecting children and

youth; ensure that the voices of children and youth are heard in the political process generally; and report directly to the Legislative Assembly much in the same manner as the Ombudsman. The Bill has received first and second reading.

Committees

The Standing Committee on Crown Corporations held four days of hearings in March to review issues surrounding the agreement to secure a supply of Orimulsion at the Coleson Cove Generating Station in Saint John. The Committee was charged with examining whether there were any failures in the decision making process that led to the court action against Venezuelan oil companies by NB Power. The Committee heard from 13 individuals, including present and former officials of NB Power, the Department of Energy and other government departments. The Committee is reviewing the transcripts from over 40 hours of testimony and is expected to report back to the House with its findings.

On April 2, 2004, the Select Committee on Public Automobile Insurance chaired by NDP Leader **Elizabeth Weir** (MLA for Saint John Harbour) tabled its final report. The Committee was asked to look at the various public automobile insurance systems in Canada and identify the most suitable model of public automobile insurance to ensure fair, accessible and affordable automobile insurance for all New Brunswickers, in the event a decision is made to move to a public system.

Among other things the Report recommended a made-in-New Brunswick model of public automobile insurance that offers extensive coverage at an affordable rate for all drivers with:

- no reference to age, gender, marital status, territory, payment history or lapses in insurance to determine insurance costs;
- rates to be determined by driving record, vehicle usage, vehicle make and model, optional coverage purchased;
- oversight of the public utilities board for mandatory and optional insurance rates; pure, no-fault injury benefits with no option to sue;
- drivers licences to continue to be sold by Service New Brunswick;
- vehicle registration and insurance sold through brokers and agents at a 7 per cent commission;
- mandatory vehicle coverage, additional injury and income replacement benefits, third-party liability coverage and collision, theft and comprehensive sold by the Crown corporation through private sector agents and brokers;
- additional injury and income replacement benefits and third-party liability coverage to be sold by private insurers in competition with the Crown corporation.

Pairing Book

During the spring sitting and for the first time in recent history, Members made use of a "Pairing Book," maintained at the table in accordance with an earlier recommendation of the Standing Committee on Procedure, to indicate that they would not take part in certain recorded divisions in the House. The Members honoured their pairing arrangement; however, the Speaker was not called upon to break a tie. The last time that the Speaker was required to give a casting vote was on August 5, 2003.

Television

Effective March 30, 2004, Question Period became the only part of the assembly's proceedings available to

the public through the local community programming. The daily Question Period will not be carried live; it will be aired on the community cable channels across the province at 4 p.m. each day that the legislature is in session.

The Legislative Assembly is working in consultation with Rogers Cable, Rogers Television and Télévision Rogers staff to determine the feasibility of launching an independent New Brunswick provincial legislature television service, available to both cable and satellite television distributors. This service would provide coverage of legislative proceedings from prayers to daily adjournment, and would also include committee proceedings.

An independent provincial legislature television service would continue the 1988 initiative of televising the proceedings of the House. In the interim, online webstreaming of House proceedings (video and audio) is available on the assembly's website.

Following a four-week sitting, the House was adjourned on April 23 until May 4, 2004. Standings in the House are: 28 Progressive Conservatives, 25 Liberals, 1 New Democrat, and 1 vacancy.

Diane Taylor Myles
Researcher



Manitoba

The Second Session of the 38th Manitoba Legislature resumed on March 1, 2004 with a two week sitting. A number of Bills were de-

bated during this period, with two receiving Royal Assent on March 11, 2004:

- Bill 7 – *The Criminal Property Forfeiture Act* – enables a police chief or the commanding officer of the RCMP in Manitoba to apply to the Court of Queen's Bench for an order forfeiting property to the government. Property may be forfeited if the judge is satisfied that it was acquired as a result of unlawful activity or it is likely to be used to commit certain unlawful activities.
- Bill 8 – *The Employment and Income Assistance Amendment Act* (One-Tier Assistance for Rural and Northern Manitoba) – amends the original Act so that the provincial government can assume responsibility for providing assistance to people who used to receive assistance from municipalities. The Bill contains transitional provisions to deal with issues that will arise when responsibility for assistance is transferred from municipalities.

The House recessed from March 11 to April 14, 2004 when the full spring session commenced.

Budget

Finance Minister **Greg Selinger** (NDP - St. Boniface) delivered the first budget of the government's second mandate on April 19, 2004. The total operating expenditure for the 2004-2005 Budget came in at \$7.5 billion, an increase of 2% over 2003-2004. Highlights of the budget, as outlined in a government news release, included:

- The first budget in the history of Manitoba's balanced budget legislation projected to balance and pay down debt without drawing on the Fiscal Stabilization Fund;
- Continues with personal income tax, property tax and business tax cuts that have totalled \$385 million annually since 2000;
- Continues with strategic health care investments to address wait

times, improve emergency room service, and ensure an adequate supply of health care professionals;

- Creates new opportunities for youth through a new graduate scholarship program and by continuing the tuition rebate at colleges and universities, keeping tuition 10 per cent lower than 1999.

On April 20, 2004, Leader of the Official Opposition **Stuart Murray** (PC - Kirkfield Park) moved an amendment to the main motion stating that the Budget failed to provide Manitobans with any vision or hope. Mr. Murray's motion described a number of failures in the budget, including:

- Failing to provide a long-term economic plan to grow the economy and create real and lasting jobs;
- Failing to provide a long-term tax reduction strategy;
- Failing to address the need to have bold, innovative and meaningful reform in health care; and
- Failing to provide adequate supports to Manitoba's agricultural sector

Jon Gerrard (Independent Liberal - River Heights) moved a sub-amendment to Mr. Murray's amendment on April 22, 2004, expressing concern over failures in the areas of water stewardship and sports funding as well as the general management of the province's fiscal resources.

The non-confidence motions were both defeated in the House at the end the eight day of budget debate on April 28, 2004, while the main budget motion carried during the same sitting.

Departmental Estimates

Once debate on the budget concluded, consideration of the expenditure estimates began in three

concurrent sections of the Committee of Supply. Our recently revised Standing Orders allow for a maximum of 100 hours for consideration of the departmental expenditure estimates. This extended debate will consume several weeks of House business before MLAs focus their attention fully on the consideration of Legislation for the remainder of the Spring Session.

Intersessional Bill Committees

In a departure from usual practice, several Bills were referred for Committee consideration during the winter intersessional periods in February and March of 2004. Generally in Manitoba, Bills are referred for committee consideration during the months when the House is in session. This year however, six Bills were referred during this period to two different meetings of the Legislative Affairs committee. One of the meetings included public presentations from concerned citizens and all six Bills were reported back to the House for Concurrence and Third Reading.

Sessional Calendar

Under the provisions of our new sessional calendar the Manitoba Legislature may not sit past the Thursday of the second full week of June. The House may sit again from the first Monday after Labour Day to the Thursday of the first full week of December.

At the time of writing there are 50 Bills listed on the Order Paper for consideration at various stages of the legislative process.

Rick Yarish

Clerk Assistant /
Clerk of Committees



On March 23, 2004, in answer to a request made by the Action Démocratique du Québec Member for Chutes-de-la-Chaudière, the President gave the following directive concerning the effects of the arrival of a fifth independent Member on the allocation of speaking time:

- as regards Oral Questions and Answers, the Chair, while basing its decision on precedents, will continue to grant two questions per five sittings to the independent Members. These questions will be allotted to the independent Members as a group, regardless of their political affiliation;
- as regards the speaking time granted to the independent Members during limited debates, there is no reason to change the general rule according to which the global speaking time is allotted to these Members as a group.

Finally, the Chair reserved the possibility of further addressing the question on the basis of the actual impact that the arrival of a fifth independent Member could have on the use of speaking time that is allotted to the independent Members.

Colloquia, Seminars, Conferences

From February 21 to 29, 2004, the National Assembly welcomed a delegation of four Moroccan parliamentarians: Member **Driss Lachgar**, head of the delegation, as well as three vice-chairmen of the House of Representatives of Morocco, namely Messrs. **Rachid Medouar**, **Ahmed Lakir** and **Mohamed Mouhib**. They were accompanied by two directors of the House of Representatives and two

delegates of the National Democratic Institute.

The Moroccan parliamentarians took part in some twenty deliberative meetings on the parliamentary, institutional and administrative organization and proceedings of the National Assembly.

On the occasion of International Francophonie Week, which was held from March 14 to 20, and in the wake of Commonwealth Day, which was observed last March 8, several Quebec parliamentarians welcomed in their ridings diplomats from member countries of the Francophonie and the Commonwealth. During these meetings, the Quebec parliamentarians and their guests exchanged information pertaining to their various fields of expertise.

Close to 140 participants hailing from 26 Quebec general and vocational colleges took part in the Twelfth Legislature of the Student Forum, a parliamentary simulation which took place from January 11 to 15, 2004 at the Parliament Building. Of this number, over one hundred played the role of Members of the National Assembly.

During the Legislature, the parliamentarians of the Student Forum drafted a budget statement and ministerial statements, took part in the oral question periods and introduced three bills. The proposed legislation concerned the rights and obligations of citizens, public transportation and a Quebec natality policy. The college students had the opportunity of examining these bills in committee before giving them final passage after a debate in the National Assembly Room.

On February 19 and 20, 2004, 76 Secondary 3 and 4 students from 19 high schools in a dozen regions of Quebec took part in the Second Legislature of the Young People's Parliament. For two days, the students

had the chance to learn more about the role of Members and about past practice and customs relating to parliamentary procedure and the legislative process.

Among the bills that were drafted and proposed by the students, three were chosen to be introduced and debated. The first proposed the creation of youth communication organizations, the second dealt with the abolition of general training at the college level, while the third bill concerned certain specific measures to ensure the quality of water. The latter bill was adopted by the members of the Second Legislature.

Political Heritage

Last January, at the auction of the **Rosanna Seaborn** collection, the National Assembly acquired historical documents relating to the Patriots and the Rebellions of 1837 and 1838.

The following documents will thus be added to the impressive collection of historical documents relating to the Patriots belonging to the National Assembly after being analyzed, catalogued and, if need be, restored in the coming months:

- a speech by **Louis-Joseph Papineau** delivered at the Institut canadien de Montréal in 1867;
- a document entitled *À tous les électeurs du Bas-Canada* (Quebec, 1810);
- a brochure including the text of the 92 resolutions (Quebec, 1834);
- a compilation of British parliamentary documents on the union of Upper and Lower Canada (London, 1840);
- the report on the trial of Member and Patriot **Joseph Cardinal** (Montreal, 1839);
- a document entitled *Report from the Select Committee on the Civil Government of Canada* (London, 1829);

- the manifesto of an association going by the name of *Constitutional Association of Montreal* (Montreal, 1837).

The National Assembly worked together with the Quebec and Federal institutions committed to conserving the political heritage in order to safekeep within public collections the most valuable elements of this important collection.

In March 2004, an official announcement was made confirming the classification as historical property of the collection containing 3660 brochures and rare books constituted by **Pierre-Joseph-Olivier Chauveau** (1820-1890). Author and political figure of the 19th century, recognized for his contributions to literature, the public administration and education, Mr. Chauveau was the first Premier of Quebec (1867-1873).

This collection, the oldest of the National Assembly, was acquired in 1892 and includes valuable editions of famous European printers, including Albe, Elzévir, Estienne, Jenson and Crispin, books dating back to the 15th and 16th centuries, works written in Amerindian languages, books of sermons given by Protestant preachers, as well as works written by Chauveau himself. Remarkable owing to its size and rarity, the collection represents an important contribution to the intellectual history of 19th century Quebec and a collective wealth, henceforth classified as historical property and registered in the *Québec register of cultural property*.

Membership

The Member for Nelligan, **Russell Williams**, resigned on March 9, 2004. A Member of the National Assembly for close to 15 years, Mr. Williams was vice-chairman of the Quebec Section of the Eastern Regional Conference (ERC) of the Council of State Governments and

parliamentary assistant to the Minister of Health and Social Services. He was appointed president of Canada's Research-Based Pharmaceutical Companies (Rx&D) on March 31, 2004. Since March 16, 2004, the Liberal Member for Mégantic-Compton, **Daniel Bouchard**, has been sitting as an independent Member. Finally, on April 28, **Marc Bellemare** resigned as Minister of Justice and Member for Vanier. The membership of the Assembly now stands as follows: Quebec Liberal Party 73, Parti Québécois 45, independent Members 5 and two vacant seats.

Passing of Claude Ryan

Claude Ryan passed away on February 9, 2004. Member for Argenteuil from 1979 to 1994, Mr. Ryan held several important parliamentary and ministerial offices. He was elected Leader of the Quebec Liberal Party on April 15, 1978 and was Leader of the Official Opposition from May 9, 1979 to August 10, 1982. In the Bourassa and Johnson cabinets (Daniel junior), between 1985 and 1994, he was Minister of Education, Minister of Higher Education and Science, Minister responsible for the application of the *Charter of the French Language*, Minister of Public Security and Minister of Municipal Affairs.

Johanne Lapointe

Secretariat of the Assembly

Committees

At the beginning of 2004, 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

Within the framework of its mandate on food safety in Quebec, the Committee on Agriculture, Fisheries and Food received 80 briefs and heard 49 individuals and organizations. The Internet site of the Committee enabled citizens to take part in the proceedings via an on-line consultation using a form containing 21 questions. One hundred and twelve citizens submitted their opinion to the Committee. The tabling of the final report is scheduled for the month of June 2004.

Within the framework of its orders of surveillance of agencies, the Committee on Public Finance heard the chief officers of the Commission administrative des régimes de retraite et d'assurances (CARRA) and those of Investissement Quebec. The Committee also held special consultations to hear several persons concerned by these two governmental agencies.

The Committee on Culture continued its public hearings as part of a general consultation on the document entitled *Reforming Access to Information: Choosing Transparency*. After having heard some forty organizations last fall, the Committee members held close to a dozen deliberative meetings to prepare the final report that is to be tabled this spring and that will address the various issues related to the protection of personal information and access to information.

The Committee on Institutions heard the Minister for Canadian Intergovernmental Affairs and Native Affairs during a deliberative meeting in order to discuss the creation of the Council of the Federation. Also, the Committee has decided to place on the Internet site of the National Assembly the 134 briefs submitted in the course of the previous Legislature (in March 2003) by vari-

ous organizations, experts and citizens concerned by electoral representation procedure, which will be the topic of upcoming debates. Finally, the Committee carried out a mission in Northern Quebec in February 2004. Eight Committee members met with members of the Cree, Inuit and Jamesian communities in the Chibougamau, Nemiscau, Radisson and Kuujuaq regions. The Committee thus reviewed the implementation and future prospects of the Northern Québec Development Policy, which dates back to 2001, and of the agreements signed with the Cree and Inuit Nations in 2002 (Paix-des-Braves and Sanarratik).

The Committee on Labour and the Economy heard the chief officers of the Fonds national de formation de la main-d'œuvre to examine its financial statements and its latest annual reports, pursuant to the *Act to foster the development of manpower training*.

Finally, the Committee on Public Administration carried out the following accountability mandates: to hear the chief officers of the Centre de conservation du Québec on the annual management report 2002-2003 of this Government agency (the members also visited the facilities of the Centre, whose mission is to contribute to the preventive conservation and restoration of the architectural heritage of Quebec); to hear the Deputy Minister of Health and Social Services concerning mental health services; to hear the Deputy Minister of Natural Resources, Wildlife and Parks concerning the document entitled *Étude benefice-coût de la Corporation Innovation-papier*; to hear the Deputy Minister of the Environment concerning water monitoring and control.

Orders of Reference by the Assembly

The standing committees held several public consultations this winter pursuant to orders by the Assembly.

The Committee on Education held a general consultation on the issues surrounding the quality, accessibility and financing of Quebec universities. This mandate stems from the debate currently underway on the financing of Quebec universities in comparison with other Canadian universities. A working paper was published (contains some forty specific questions) and 92 individuals and organizations submitted a brief. The Committee held 19 hearings during which 87 briefs were presented.

As regards the Committee on Social Affairs, three consultations were held on the following subjects: Bill 11, concerning intercountry adoption (2 individuals and groups heard), the working paper entitled *Adapting the Pension Plan to Quebec's new realities* (29 individuals and groups heard), and Bill 38, concerning the Health and Welfare Commissioner (27 individuals and groups heard).

The Committee on Institutions held special consultations on Bills 4 and 35, which amend the *Act respecting administrative justice*. The first bill in particular establishes that proceedings brought before the Administrative Tribunal of Quebec shall be heard and determined by a single member, and the second bill creates the Administrative Review Tribunal of Quebec. Seventy-one groups were heard by the Committee with regard to these bills. The Committee also was given the mandate to hold special consultations on the white paper on private security in Quebec (9 groups had been heard as at April 9, 2004) and on Bill 21, which amends the *Civil Code* and

the *Code of Civil Procedure* as regards the determination of child support payments (13 groups heard).

During two full days, the Committee on Labour and the Economy heard the head officers of Hydro-Québec in order to examine its strategic plan 2004-2008.

The Committee on Culture held a general consultation on the three-year immigration plan 2005-2007 with reference to the document entitled *La planification des niveaux d'immigration 2005-2007*. This document proposes three scenarios with regard to the number of admissions for this three-year period. The Committee heard 50 individuals and groups.

Finally, the Committee on Public Finance held a general consultation on the document entitled *Report from the working group on the Québec Government's role in venture capital*. Eighty briefs were presented and 61 individuals and groups were heard by the Committee.

Robert Jolicoeur

Secretariat of committees

Translation: **Sylvia Ford**
Secretariat of the Assembly



Yukon

The 2004 Spring Sitting of the Yukon Legislative Assembly began on March 25. Pursuant to Standing Order 74 the government introduced all the bills it wanted to see dealt with during this sitting by the fifth sitting day, April 1. Subsequently, pursuant to Standing Order 75, the three House leaders met

to determine the length of the sitting. On April 5 the government House leader, **Peter Jenkins** (Klondike, Yukon Party) informed the Assembly that the House leaders could not reach agreement on the length of the sitting. As a result the Speaker, **Ted Staffen**, declared, pursuant to Standing Order 75(3), that the 2004 Spring Sitting would last 30 sitting days, the 30th sitting day to be May 18, 2004.

Legislation

The government introduced six bills. These bills were:

- Bill No. 8, *Third Appropriation Act, 2003-04*;
- Bill No. 9, *Interim Supply Appropriation Act, 2004-05*;
- Bill No. 10, *First Appropriation Act, 2004-05*;
- Bill No. 43, *Act to Amend the Income Tax Act*
- Bill No. 44, *Act to Amend the Municipal Finance and Community Grants Act*; and
- Bill No. 45, *Act to Amend the Assessment and Taxation Act*.

Two private member's bills were also introduced. The leader of the third party, **Pat Duncan** (Porter Creek South, Liberal), introduced Bill No. 103, *Heritage Fishing and Hunting Act*. The leader of the official opposition, **Todd Hardy** (Whitehorse Centre, NDP) introduced Bill No. 104, *Act to Amend the Public Service Act*.

Bill No. 10, *First Appropriation Act, 2004-05*

Bill No. 10 is the government's main appropriation act for the fiscal year, 2004-05. The amount to be appropriated is \$705.7 million, making it the largest budget in Yukon's history.

The Sitting got off to an unusual start when, on the first sitting day, the official opposition House leader, **Gary McRobb** (Kluane,

NDP) asked for the unanimous consent of the Assembly to move a motion of urgent and pressing necessity. The intent of the motion was to suspend the *Orders of the Day*, which was Second Reading of Bill No. 10, the budget speech. Instead, Mr. McRobb proposed that the bill move directly to Committee of the Whole. At the root of Mr. McRobb's request was his assertion that so many of the government's spending priorities had become public knowledge by way of news releases that Second Reading was no longer necessary. Mr. McRobb did not receive unanimous consent to move his motion. The Premier and Finance Minister, **Dennis Fentie** (Watson Lake, Yukon Party) delivered his budget speech later that day.

Of the \$705.7 million the allocation that has proved most contentious is the government's plan to spend \$1.5 million for pre-planning for the construction of a bridge across the Yukon River at Dawson City. In making this commitment the government said it was fulfilling an election promise. It also touted the economic benefits of a 'fixed link' that would tie the North Klondike Highway (Whitehorse to Dawson City) to the Top of the World Highway (Dawson City to the border with the United States). The government also argued that building a bridge would, in the long term, be more economical and less environmentally damaging than maintaining the current ferry service.

The opposition did not argue categorically against the bridge construction. However, opposition members argued the government's election promise was the study the construction of a bridge, not to build one. They also said the government's estimate for bridge construction, \$25 million, was too low and

that the final cost could be double that figure. A third point raised by opposition members was that Dawson City was more in need of a sewage treatment facility than a bridge. Dawson City's current practice of discharging effluent into the Yukon River, it was argued, is an environmental problem, but could also cause legal or political problems given the existence of environmental regulations and treaties with the United States. Finally, the opposition argued that Mr. Jenkins, a former mayor of Dawson City, had exercised undue influence over the government's decision to give the bridge high priority.

The issue has consumed a considerable amount of time during the Oral Question Period, and Committee of the Whole debate on Bill No. 10. It was also the subject of debate on April 7 during government private member's business. At that time the Assembly debated a motion brought forward by **Brad Cathers** (Lake Laberge, Yukon Party) that urged the government to carry through with the project. Opposition attempts to amend the motion by making the bridge's construction contingent on the approval of a special committee or the prior construction of other infrastructure (i.e., a sewage treatment facility) have not been successful. Debate on the motion adjourned after more than four hours.

Bill No. 104, *Act to Amend the Public Service Act*

Bill No. 104 represents the official opposition's attempt to bring in 'whistle blower' legislation. This involves adding a part to the *Public Service Act* that would provide a process by which government employees could lodge complaints and have them heard, and be protected from retaliation.

During debate at Second Reading on March 31 the minister responsible for the Public Service Commission, **John Edzerza** (McIntyre-Takhini, Yukon Party) introduced an amendment. This was procedurally unusual in that amendments to bills are usually done at the committee stage. However this amendment was in order as it proposed amending the motion for second reading of the bill, not the bill itself.

The effect of the amendment to the motion for second reading was to send the bill to a select committee, should it pass second reading. This is not the normal course for a bill in the Yukon Legislative Assembly. Due to its small size (18 members) bills are usually dealt with in Committee of the Whole, rather than special, select or standing committees.

In putting the amendment forward government members argued that the bill was of such importance that it required a more elaborate process than for other legislation. This process would allow for input from the Public Service Commission, the government employees union, and the general public before the bill became law. Opposition members argued that the bill did not require a different process and that the amendment was an attempt to bury the bill. Opposition members noted that Committee of the Whole can, by motion, hear from witnesses.

The amendment to the motion for second reading passed over the objections of the opposition. Debate at second reading on the motion as amended stands adjourned. It is up to Mr. Hardy, as sponsor of the bill, to bring it back for further consideration on a day when opposition private members' business has precedence.

Standing Committee on Public Accounts

The Standing Committee on Public Accounts held public hearings from February 3-5, 2004. These were the first public hearings held by the Committee since 1999. Witnesses from government corporations, the Workers' Compensation Health and Safety Board and Yukon College appeared before the Committee. The focus of discussion was each entity's mandate, the degree to which this mandate is being fulfilled and what performance measurements are used to ensure the mandate is being fulfilled. Other issues, such as accountability to the Legislative Assembly, stakeholders and the public at large, were also discussed. The evidence provided at the public hearings is augmented by written responses to specific questions the Committee put to the operational heads of these entities in advance of the public hearings. The Committee is currently drafting its report, which it intends to table during the 2004 Spring Sitting.

Floyd McCormick
Deputy Clerk



Prince Edward Island

On Tuesday, March 30, 2004, the First Session of the Sixty-second General Assembly re-opened for the Spring Sitting.

The Hon. **Mitch Murphy** presented his first budget address as Provincial Treasurer on March 30. Health and Social Services expendi-

tures continued to account for the largest share of the provincial budget at \$428 million, or 40.2% of the total expenditure of just over one billion dollars; followed by Education at \$222.6 million, or 20.9% of the total. Tax measures included raising the capital tax on financial corporations from 3% to 5%, increasing the gasoline tax and the health tax on cigarettes. The Provincial Treasurer also announced a comprehensive overhaul of the taxation regime, to be completed this fiscal year, as part of an economic development strategy.

Retail Sale of Tobacco Products

Standing Committee on Social Development was directed by the Legislative Assembly in December 2003 to hold public hearings across the province regarding the retail sale of tobacco products and report its findings back to the Legislature. The Committee held six meetings to plan its work, to hear presentations and to review written briefs. In total, the Committee heard from 72 groups and individuals on this topic. The Committee's report was tabled on April 20, 2004, and recommended that legislation be introduced as soon as possible to prohibit the sale of tobacco products in municipal and provincial government buildings, educational institutions, sports and recreational facilities, and all health facilities, including pharmacies and retail establishments located adjacent to, or within 20 metres of a pharmacy. Other recommendations included adding a health warning to mandatory signage for establishments selling tobacco products, and a complete ban on tobacco displays by 2006. The complete report is available on line at www.assembly.pe.ca.

Unparliamentary Language

On Thursday, April 15, 2004, the Minister of Tourism, the Hon. **Philip Brown**, quoted from an email document during debate, immediately prior to tabling it. Specifically, he read aloud the sentence, "And any Liberal nose picking welfare crud who condemns him deserves to be loaded on a plane and sent to Moscow, where he can truly live out his Socialist fantasy." The Leader of the Opposition, the Hon. **Robert Ghiz**, rose on a point of order, calling the language used by Mr. Brown in tabling the document objectionable, and asking Mr. Brown to retract his remarks. Further, Mr. Ghiz called for the Minister's resignation for his implied support of the "racist, intolerant and extremely offensive" contents of the document.

The following day, the Minister apologized to the House for the tabling of the email document and disavowed its contents but did not apologize for his use of the objectionable words. On the next sitting day, Mr. Speaker, Hon. **Gregory J. Deighan**, ruled the words used in debate to be unparliamentary and requested the Minister of Tourism apologize, to which the Minister complied.

Staff

Peter McQuaid, Chief of Staff to the Premier, and Deputy Minister, resigned effective April 6, 2004. Subsequently, Mr. McQuaid has announced his intention to seek the Conservative Party of Canada nomination in the riding of Cardigan. Mr. Patrick Dorsey has been named Acting Chief of Staff and Deputy Minister.

Deputy Speaker on Executive Council Committee

As previously reported, on November 12, 2003, during debate on the motion for election of deputy speaker, the Honourable 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 his ruling, Mr. Speaker 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."

The Standing Committee on Privileges, Rules and Private Bills met to consider the matter and tabled its report in the Legislative Assembly on April 16, 2004. The Committee was of the opinion that to apply the same test of impartiality and independence to the Office of the Deputy Speaker as that imposed on the Office of the Speaker would an unfair burden to place on the Deputy Speaker given the amount of time that the Deputy Speaker actually sits in the Chair and presides over the House. Further such restrictions would serve to inhibit the ability of the Deputy Speaker to openly and effectively represent the view of his or her constituents.

By motion of the Opposition House Leader, the Committee's report was referred to the Committee of the Whole for further consider-

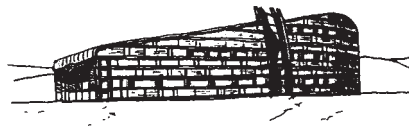
ation. It remains on the Order Paper.

Youth Forum on Public Affairs

Premier **Pat Binns**, Chair of the Council of the Federation, announced in the Legislature on April 27, 2004, that this summer, the Council of the Federation will bring together two participants from each province and territory across Canada for a Youth Forum aimed at increasing youth engagement in Canadian public affairs. The Council of the Federation will cover all travel costs for the Forum to be held in Niagara-on-the-Lake, Ontario. Participants (ages 19-22) will be selected through an essay writing contest that will be administered in Prince Edward Island by IPAC, the Institute for Public Administration of Canada.

Marian Johnston

Clerk Assistant and Clerk of Committees



Nunavut

Nunavut's second general election took place on February 16, 2004. A total of 82 candidates were nominated in the territory's 19 constituencies. An acclamation took place in the constituency of Rankin Inlet North. Elections Nunavut, the independent office responsible for the conduct of territorial elections, reported that voter turnout was approximately the same as in 1999, when the first general election was held.

Two women and seventeen men were elected to serve as Members of the Second Legislative Assembly.

Re-elected Members were: **Peter Kattuk** (Hudson Bay), **Hunter Tootoo** (Iqaluit Centre), **Ed Picco** (Iqaluit East), **Paul Okalik** (Iqaluit West), **Patterk Netser** (Nanulik), **Peter Kilabuk** (Pangnirtung), **Olayuk Akesuk** (South Baffin), **Jobie Nutarak** (Tunnunuiq)

Newly-elected Members were: **Steve Mapsalak** (Akulliq), **Louis Tapardjuk** (Amittuq), **David Alagalak** (Arviat), **David Simailak** (Baker Lake), **Keith Peterson**, (Cambridge Bay), **Joe Allen Evyagotailak** (Kugluktuk), **Leona Aglukkaq** (Nattilik), **Levi Barnabas** (Quttiktuq), **Tagak Curley** (Rankin Inlet North), **Levinia Brown** (Rankin Inlet South-Whale Cove), **James Arreak** (Uqqummiut)

Messrs. Arreak, Barnabas and Curley are former Members of the Legislative Assembly of the Northwest Territories. Mr. Barnabas served a partial term of office in Nunavut's First Assembly. Mr. Picco has been a sitting legislator in the NWT and Nunavut Legislatures since 1995.

On March 5, 2004, the nineteen Members-Elect gathered under the auspices of the Nunavut Leadership Forum to select the Speaker, Premier and members of Cabinet. The Forum took place in the Chamber of the Legislative Assembly, and was open to the public to observe.

The first order of business was the selection of Mr. Nutarak as Speaker of the Legislative Assembly.

Incumbent Premier Okalik and Mr. Curley were nominated to serve as Nunavut's Premier. Following speeches from both candidates, all Members of the Legislative Assembly posed questions to each individual. Shortly af-

ter 4:00pm, Speaker-elect Nutarak declared Mr. Okalik the winner of the secret ballot vote.

A total of eleven Members accepted nominations to serve as Ministers. Seven members were elected.

The First Sitting of the Second Assembly took place on March 9. Formal motions to confirm the selection of the Speaker, Premier and Cabinet took place during the sitting. Later that day, the swearing-in ceremony for the Cabinet took place, during which Ministerial portfolios were announced. A major re-organization of the Government of Nunavut's departmental structure was also announced by the Premier as part of the portfolio assignments.

Both of the Legislative Assembly's elected women were assigned high-profile portfolios. Ms. Brown, a former Nunavut Arctic College administrator and member of Rankin Inlet's hamlet council, was designated as Nunavut's Deputy Premier and Minister of Health and Social Services.

Ms. Aglukkaq was assigned the role of Government House Leader and Minister of Finance. Minister Aglukkaq's legislative career began during high school in the 1980s, when she served as a Page in the Legislative Assembly of the Northwest Territories. A former Deputy Minister, Aglukkaq has also served as the Deputy Clerk of the Legislative Assembly of Nunavut.

Veteran Ministers Akesuk, Kilabuk and Picco were assigned portfolio responsibilities for Environment, Community & Government Services, and Education, respectively. Kilabuk is also the Minister responsible for the Nunavut Housing Corporation.

Minister Simailak was assigned responsibility for Economic Development & Transportation. Minister Tapardjuk is Minister of Culture,

Language, Elders and Youth and Minister of Human Resources.

Caucuses and Standing Committees play an important role in Nunavut's non-partisan system of government.

Mr. Barnabas was elected as Chair of Full Caucus, a body which encompasses all 19 MLAs. Mr. Mapsalak was elected Co-Chair. Mr. Evyagotailak was elected as the Chair of the Regular Members' Caucus, a body which includes all ten MLAs who are not Ministers. Mr. Arreak was elected Co-Chair.

Mr. Netser was elected Deputy Speaker. Mr. Arreak and Mr. Evyagotailak were elected Deputy Chairpersons of the Committee of the Whole.

Mr. Curley, Mr. Peterson and Mr. Tootoo were elected to the Assembly's Striking Committee. Messrs. Curley, Peterson and Tootoo also serve alongside Speaker Nutarak and Minister Kilabuk on the Management and Services Board of the Legislative Assembly.

The House reconvened on May 12. One of the first items of business was the establishment of the Legislative Assembly's Standing Committees. Five Standing Committees were established by motion:

- Government Operations and Accountability, chaired by Hunter Tootoo;
- Health and Education, chaired by David Alagalak;
- Infrastructure, Housing and Economic Development, chaired by Tagak Curley;
- Ajauqtiit, chaired by Steve Mapsalak; and
- Rules, Procedures and Privileges, chaired by Hunter Tootoo.

The Legislative Assembly recommended, by way of motion, the re-appointment of the Integrity

Commissioner of Nunavut, **Robert Stanbury**, PC, QC, for a five-year term of office.

On May 17, the 2004 *Report of the Auditor General* to the Legislative Assembly was tabled in the House by Speaker Nutarak. In Nunavut, the annual reports of such independent House officers as the Auditor General, the Languages Commissioner, the Chief Electoral Officer, the Integrity Commissioner and the Information and Privacy Commissioner are generally referred to Standing Committees for hearings.

On May 18, Minister Aglukkaq delivered her first Budget Address, wearing a pair of kamiks made by Elder **Mamie Oniak** of Kugluktuk. The government's 2004-05 main estimates and departmental business plans were subsequently referred to the Committee of the Whole for detailed scrutiny.

Alex Baldwin
Director, Research and
Library Services



Senate

The Third Session of the 37th Parliament, which opened on February 2, 2004, was expected to be a short one. With a new Prime Minister in office, it was understood that business would have to move quickly if the Government expected to complete its legislative agenda before an election was called. So it was early in the new session when

the Senate was launched into its legislative work. Two bills in particular that had died on the *Order Paper* when the Second Session prorogued remained important to the new Government. One was critical to the timing of the election and the other fulfilled a Government commitment made by the former Prime Minister and his successor to create a new federal ethics commissioner. The passage of these bills would hold the attention of the Senate until spring.

Legislation

It was only a week into the new session when Bills C-5 and C-4 arrived in the Senate. Bill C-5, which brought forward the coming-into-force date of new electoral boundaries to April 1, 2004, had been reinstated in the House of Commons at the same stage in the legislative process as it had reached when the Second Session was prorogued and was sent to the Senate immediately. After first reading on February 11, Senators who spoke during six days of debate at second reading reiterated many of the same arguments they had already put forward in the fall of 2003. To facilitate its passage this time, however, the Government imposed time allocation and within one month the bill had passed all stages and on March 11 was granted Royal Assent by written declaration.

The passage of Bill C-4, to create independent ethics officers for the Senate and the House of Commons, was equally important to the Government. The former Bill C-34 had been stalled in the previous session when the Senate amended the bill at third reading and sent it back to the House of Commons just before prorogation. The initial dissatisfaction of the Senate with the appointment process of the Senate Ethics Officer by the Governor in Council carried

over into the debate on C-4. Senators continued to be concerned with maintaining the independence of the Senate as the institution and the right to govern its own affairs. Ultimately, it was a suggestion made by Senate Government Leader **Jack Austin** that won the support of the Senate. He proposed that the party leaders in the Senate compose a list of names for submission to the Governor in Council. After nine days of second and third reading debate, Bill C-4 received Royal Assent on March 31.

Not only were Government bills from the previous session reintroduced in the House of Commons, but private members' public bills as well. Five were given first reading in the Senate on February 3 and three of these, Bills C-212, C-260 and C-250, passed all stages in the Senate and were given Royal Assent. This was unusual since it is rare for private members' public bills to actually become law. That this happened is due to the practice in the House of Commons of carrying over bills from one session to another within a Parliament.

Bill C-212, respecting user fees, provided for parliamentary scrutiny and approval of user fees set by regulatory authorities. The Senate's main concern was the lack of a Senate role in the proposed legislation. This was addressed by the National Finance Committee which amended the bill to provide for an identical role for the Senate and its committees and resolved, without issue, when the House of Commons concurred in the Senate amendments. Bill C-260, *An Act to amend the Hazardous Products Act*, added cigarettes that are not fire-safe to the prohibited products list and was passed on March 30. Both bills received Royal Assent on March 31.

Unlike Bills C-212 and C-260 which moved easily through the

Senate, Bill C-250, an amendment to the *Criminal Code*, proved to be more contentious. The purpose of the bill, to add "sexual orientation" to those groups protected against the spread of hate propaganda in the *Criminal Code*, was a sensitive subject. Critics believed the bill was unnecessary, arguing that individuals were already protected by existing laws in Canada. Others thought the concept of "sexual orientation" vague. Still others felt the bill endangered freedom of religion. Peppered with points of order and Speaker's rulings, it took nine days of full debate at second reading before the bill was referred to the Legal and Constitutional Affairs Committee on February 20. Even at third reading, progress of the bill was slowed down by repeated demands for recorded votes.

The procedure that finally brought an end to the debate was unprecedented. On April 27, Progressive Conservative Senator Lowell Murray introduced a motion to limit debate and to set a time for the disposition of the bill. His action was unusual because the Rules of the Senate allow for the government to move time allocation motions on government business, but this was the first time a Senator had attempted to move a motion like this on a private members' bill through a motion enacting a special order. Debate was restricted even further when immediately following Senator Murray, Senator **Serge Joyal** moved the previous question. It was the adoption of the previous question motion on April 27 that forced the Senate to make a decision on the disposition motion which cleared the way for the Senate to complete the final stages of the bill. Third reading was given to the bill on April 28 and Royal Assent on April 29.

A traditional Royal Assent ceremony took place in the Senate Chamber on March 31 with the Governor General, Her Excellency Adrienne Clarkson, in attendance. As well as C-4, C-212 and C-260, two appropriation bills, C-26 and C-27 were assented to on that day. Other bills that received Royal Assent by written declaration were C-6, C-13 and C-18 on March 29; C-16 and S-15 on April 1; C-8 and C-14 on April 22; and C-21 on April 29.

Speaker's Rulings

During the first three months of the Third Session the Speaker gave a total of 12 rulings. Nine of these were delivered during two weeks in February when there was a ruling almost every day starting on February 12, just seven days into the new session.

On February 12, **John Lynch-Staunton** rose of a point of order to protest that the decision in the *Debates of the Senate* and the *Journals of the Senate* of the day before did not reflect what had really happened during second reading of Bill S-7, *An Act respecting the effective date of the representation order of 2003*.

He argued that what the Speaker had said, which resulted in the defeat of the bill at second reading, was not what had occurred at all and maintained that there had been a vote to adopt the motion for second reading. In his ruling later that day Speaker **Dan Hays** noted that while there was some confusion as to what had taken place, in his opinion, the bill was properly on the Order Paper. Another point of order followed immediately, this time by **David Tkachuk** who complained about the use of laptops in the Senate Chamber. The Speaker ruled that since the *Rules of the Senate* suggest that electronic devices can be used as long as they do not produce

any sound, the point of order was unfounded.

On the following day, **Anne Cools** rose on a point of order claiming that the procedure for the adjournment of debate on Bill C-250, *An Act to amend the Criminal Code (hate propaganda)* on February 12 altered the name of the Senator who had adjourned the debate. The question was whether an intervention made by a Senator constituted debate. In his ruling, the Speaker found the proceedings related to the intervention within the rules and the Order Paper remained unchanged.

In her point of order raised on February 11, **Lorna Milne** objected to the use of the word "corruption" in a notice of inquiry. She thought the language provocative and believed it was meant as an insult to the Government and a personal attack on the new Prime Minister. Although the Speaker did not disallow the inquiry in his ruling on February 16, he cautioned Senators to use good judgement in drafting motions and inquiries so that they do not provoke unnecessary disorder.

Two rulings were delivered on February 19. The first was in response to **Eymard Corbin** who rose on a point of order on February 13. Senator Corbin did not interpret new Rule 131(2) of the *Rules of the Senate* to mean that the Senate could request a government response to a committee report adopted in a previous session. The Speaker ruled on February 19 that since he could not find any procedural reason why Senators could not debate and decide such motions on their own merit, there was no point of order. Later that same day, the Speaker ruled on a point of order that had been raised by **Jean-Robert Gauthier** on February 16. Senator Gauthier objected to an amendment

proposed to a motion that he had moved authorizing the Rules, Procedures and the Rights of Parliament Committee to report on Senate practices with respect to petitions. The Senator maintained that the amendment, which deleted the text of his motion and replaced it with another, should be introduced as a separate motion and not as an amendment. In his ruling, the Speaker noted the ambiguity of the wording and intent of the amendment, but ruled there was not reason to rule it out of order on procedural grounds.

Successive points of order were raised on February 20 with respect to the agreement for a standing vote on second reading of Bill C-5, *to amend the Electoral Boundaries Readjustment Act*. After a short suspension, the decision of the Speaker was that, in the absence of an agreement for when the standing vote would take place, the vote would take place at 5:30 that afternoon, in accordance with Rule 39(4)(b) of the *Rules of the Senate*.

Just as second reading was about to begin on Bill C-4, *An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer)*, **Noël A. Kinsella** rose on a point of order. He argued that C-4 was not a reprint of Bill C-34 from the previous session, as stated on the cover of the bill. The Speaker, however, declared that the Senate could not question the validity of proceedings of the House of Commons and it was up to the Commons to decide how to characterize the bill and not the Senate.

In his point of order on February 24, Senator Tkachuk contended that the Senate had seriously breached its rules by passing two motions on Friday, February 20, after the automatic adjournment of the Senate.

The Speaker explained that the Senate could waive its own rules

with unanimous consent which in this case had been given. His ruling was that there was no point of order.

Senator Kinsella argued in his point of order of March 23 that Bill S-7, *An Act respecting the effective date of the representation order of 2003* should be discharged from the Order Paper because it dealt with the same subject as Bill C-5 which had been given Royal Assent. Speaker Dan Hays agreed with Senator Kinsella and ruled that Bill S-7 be discharged from the Order Paper.

On March 30, Senator Corbin raised a point of order respecting the general time limit on speeches. He believed that a senator who had finished speaking did not need to respond to a comment from another senator and asked the Speaker to provide clarification of this rule. The Speaker's ruling was that the *Rules of the Senate* provide for questions or comments from other senators with the permission of the Senator who has the floor.

Senator Cools rose on a question of privilege on April 27 to protest that the recent proceedings on Bill C-250 breached the privileges of Senators who were deprived of their right to debate. She asserted that the imposition of "closure" on a private members' bill was irregular and out of order and that the Speaker had acted improperly in recognizing the Senator who had moved the motion for the previous question over several others who had also sought to be recognized. On April 28, the Speaker *pro tem* ruled that although the motion for the disposition of a private members' bill was unusual, it did not violate the rules and practices of the Senate. She noted the confusion about the operation of a previous question motion but ruled the confusion did not invalidate its use. For these reasons, the Speaker *pro tem*

concluded there was no basis for a *prima facie* case of privilege.

Committee Reports

Most committee reports adopted by the Senate early in the session are requests to approve budgets for special studies. The Agriculture and Forestry Committee, Banking, Trade and Commerce Committee, Energy, the Environment and Natural Resources Committee, Fisheries and Oceans Committee, Foreign Affairs Committee, Human Rights Committee, National Security and Defence Committee, Official Languages Committee, Social Affairs, Science and Technology Committee and the Transport and Communications Committee all received the Senate's approval to begin their work.

Other committees reported on special studies. The Transport and Communications Committee tabled its first interim report on the impact of public policy on the Canadian news media on April 1. The Fourth Report of the committee contains the committee's findings after one year of public hearings.

The Fourth Report of the Fisheries and Oceans Committee was also tabled on April 1. Entitled "Nunavut Fisheries: Quota Allocations and Benefits", it calls upon the Government of Canada to act on the agreement it signed with the Government of Nunavut in August 2000.

"National Emergencies: Canada's Fragile Front Lines", the Third Report of the National Security and Defence Committee, was tabled on March 30. The Report, part of a series investigating the security of Canadians, examines what planners and practitioners are doing to prepare for national emergencies.

The Third Report of the Foreign Affairs Committee entitled "Mexico: Canada's Other NAFTA Part-

ner (Volume 3)", is the latest of a broad review of the trade relationship between Canada and the United States of America and between Canada and Mexico. The Report was tabled on March 29.

On April 15, the Agriculture and Forestry Committee tabled its Fourth Report entitled "The BSE Crisis—Lessons for the Future". The Committee studied issues related to bovine spongiform encephalopathy in Canada and proposed policies for the longer term.

The Internal Economy, Budgets and Administration Committee examined security within the parliamentary precincts and tabled its report in the Senate on April 22.

Motions

A motion to commemorate the 10th anniversary of the Rwandan genocide was adopted in the Senate on March 31.

Milestones

New Senators **Terry Mercer**, former National Director of the Liberal Party of Canada and **Jim Munson**, a Canadian journalist who had been in the PMO entourage, were introduced on February 2. Tributes were paid to former Senators **Margaret Jean Anderson** who died on December 8, **Sister Mary Alice (Peggy) Butts** who died on March 6 and **Ernest Cottreau** who died on March 7. **Jack Wiebe** announced his resignation from the Senate on January 31. **Thelma Chalifoux** retired on February 8, **Gérald-A. Beaudoin** on April 15, **Al Graham** on May 21; **Brenda Robertson** on May 23; and **Douglas Roche** on June 14, 2004.

Mary Mussell
Senate Journals



Alberta

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**. The speech centred on the impact the energy industry has had on Alberta. It also focussed on initiatives to build the province's future as Alberta approaches its centennial in 2005. Education and protection of children were key themes. Other elements included:

- the creation of an Alberta office in Washington, D. C. to advance the province's interests on issues such as Bovine Spongiform Encephalitis (BSE);
- a Life Sciences Institute to coordinate research taking place across the province in areas such as agriculture, environment, health and water research.

The speech also confirmed the Government's ongoing commitment to the fiscal principles of the Sustainability Fund and to continued debt reduction. (Since 2003, year-end surpluses are deposited into the Alberta Sustainability Fund. Withdrawals from the Fund can only be made if revenue from non-renewable resources is less than \$3.5 billion.)

At the time of writing, 30 Government Bills, 1 Private Members' Public Bill and 4 Private Bills had been passed by the Assembly.

Government Bills

Some of the Bills passed during the Spring Sitting include:

- Bill 1, *Alberta Centennial Education Savings Plan Act*, establishes the Alberta Centennial Education Savings Plan. Under the plan the Government will contribute \$500 to a registered education savings plan for every child born to or adopted by an Alberta family beginning in 2005, provided that the parents open a registered education savings plan in the child's name. Additional contributions will be made by the Government at ages eight, 11, and 14, as long as the contributions are matched. The Bill received some criticism from both a Government Private Member and some Opposition Members who argued about the fairness of the application of the legislation only to children born in 2005 and after.
- Bill 7, *Senatorial Selection Amendment Act, 2004*, amends the current Act which expires at the end of this year. The Bill extends the Act to December 31, 2010. This allows the Alberta Government to hold Senate elections beyond 2004.
- Bill 22, *Election Statutes Amendment Act, 2004*. This Bill makes numerous amendments to four Acts: the *Election Act*, the *Election Finances and Contributions Disclosure Act*, the *Alberta Personal Income Tax Act*, and the *Alberta Corporate Tax Act*. These amendments are based on recommendations made by Alberta's Chief Electoral Officer. In addition to minor housekeeping matters, the Bill has measures to ensure the accuracy of elector information, protect elector privacy, and improve flexibility in the use of special ballots in advance polls. The Bill also amends contribution limits for both individual candidates from \$1,500 to \$2,000 and candidates of registered parties from \$7,500 to \$10,000. Contribution limits for individual constituency associations will be increased from \$750 to \$1,000. As well, limits for party constituency

associations will be increased from \$3,750 to \$5,000. The Opposition expressed some reservations with these increases, particularly the increase from \$200 to \$500 in a candidate's nomination deposit. They argued that this would discourage candidates from participating in elections. Other concerns were expressed with regard to unique identifier numbers which would allow the Chief Electoral Officer to assign to electors a unique and permanent identifier number to be used to assist in distinguishing an elector from another or to verify their information. The Opposition expressed the view there was no need for this identifier and questioned whether it would lead to Internet voting. One provision supported by the Opposition was the amendment improving the use of special ballots in advance polls.

Private Members' Business

The issue of Private Members' Business has led to some discussion in the Assembly as to the priority of various items in the area. In Alberta, Private Members' Business is dealt with on Monday afternoons following the daily routine and from 8:00 p.m. to 9:00 p.m. Monday evenings. The time allocated in the afternoon is set aside for Written Questions and Motions for Returns followed by Private Members' Public Bills. The first hour of the evening is devoted to Motions Other Than Government Motions. As a result of a significant number of Written Questions and Motions for Returns being placed on the *Order Paper* by Opposition Members, very little time has been available to debate Private Members' Public Bills.

Private Members' Public Bills

One Private Members' Bill was passed during the Spring Sitting at the time of writing.

- Bill 201, *Safety Codes (Barrier-free Design and Access) Amendment*

Act, 2004, sponsored by **Rob Lougheed** (PC, Clover Bar-Fort Saskatchewan), amends the *Safety Codes Act* by enabling the creation of a new barrier-free design and access council as part of the Safety Codes Council. The Bill also provides an opportunity for input regarding safety codes for persons with disabilities. It comes into force June 1, 2004.

Other Private Members' Public Bills on the *Order Paper* include:

- Bill 204, *Blood Samples Act*, sponsored by **Thomas Lukaszuk** (PC, Edmonton-Castle Downs), creates a process which would allow a qualified medical practitioner to take a mandatory blood sample from someone whose bodily fluids have come in contact with police officers, firefighters, correctional officers, front-line emergency workers, good Samaritans, or health care workers. The blood sample may only be taken from someone who refuses to comply voluntarily and cannot be used in a criminal proceeding. The Bill also includes provisions protecting the privacy of the test.
- Bill 206, *Alberta Wheat and Barley Test Market Amendment Act, 2004*, introduced by **Mark Hlady** (PC, Calgary-Mountain View), would amend the existing Act by providing for the establishment of a 10-year Alberta test market for wheat and barley on a date set by the Lieutenant Governor in Council if the Governments of Alberta and Canada do not reach an agreement for the establishment of a test market. The Bill would provide Alberta producers with an alternative to the Canadian Wheat Board.

Private Bills

One Private Bill which has received significant public attention is Bill Pr5, *Brooklyn Hannah George Rewega Right of Civil Action Act*. The Bill, which has been referred to the Private Bills Committee, would allow a husband to sue his wife on behalf of their daughter. The daughter, who is three years old, is alleged to have

suffered brain damage and blindness as a result of a single vehicle accident which occurred when her mother was pregnant. At the time of the accident, the mother was driving a vehicle registered and insured by her husband's parents. The Bill would allow the father, on behalf of the child, to bring a civil action against the mother for damages arising from the accident. Such an action is prohibited by the common law. A 1999 Supreme Court of Canada decision called *Dobson* clarifies that there is immunity for mothers for wrongful prenatal conduct. The Committee heard submissions from the petitioner's lawyer, the lawyer representing the defendants, as well as the Department of Justice. The lawyer representing the defendants made submissions to the Committee opposing the Bill. Similarly, the Department of Justice also voiced concerns regarding this Bill. The Committee, which last met on April 27, 2002 has decided to defer their deliberations on the Bill until the Fall Sitting.

Budget 2004

On March 24, 2004, **Patricia Nelson**, the Minister of Finance, presented the Budget and estimates for the 2004-05 fiscal year.

Revenue for the 2004-05 fiscal year is estimated to be just under \$23 billion and total resource revenue is expected to be \$4.8 billion. The Minister projected total expenditures of \$22.6 billion in 2004-05 which includes an increase of 6.1 per cent in operating expenditures for Government programmes and services. The Budget increases the base budget for the Department of Health and Wellness to \$8 billion, an increase of 8.4 per cent. The Department of Learning (responsible for primary, secondary and post-secondary education) will see a budget increase of 5.7 per cent to

\$5.3 billion. (An additional \$216 million will be allocated for basic education as well as another \$85 million to fund colleges, technical institutes, universities, and apprenticeship programs.) Funding for Transportation programs will be increased to \$1.0 billion and Infrastructure program expenditures are estimated to surpass \$1.5 billion.

Other elements of Budget 2004 include:

- a decrease in the general corporate tax rate from 12.5 per cent to 11.5 per cent;
- a reduction in small business tax rates from 4 per cent to 3 per cent;
- a decrease of 2.3 per cent in school property tax rates;
- a projected economic growth rate of 3.6 per cent which is estimated to account for 43,000 new jobs;
- the assumption that prices will be \$26.00 US a barrel for oil and \$4.20 Cdn per thousand cubic feet for natural gas;

The Finance Minister estimated that Alberta's accumulated debt will stand at just under \$3 billion at the end of the fiscal year.

Select Special Committee

On April 22, 2004, the Legislative Assembly approved a motion to appoint a Select Special *Health Information Act* Review Committee to review the *Health Information Act*. The all-party committee must submit its report, including any proposed amendments to the Act, within one year of commencing its review. **Broyce Jacobs** (PC, Cardston - Taber - Warner) will chair the committee.

Caucus Changes

Dr. **Kevin Taft** (Lib, Edmonton-Riverview) was elected Leader of the Liberal Party on March 27, 2004. Speaker Kowalski recognized him as Leader of the Official Opposition in the Assembly on March 29,

2004 following the resignation of the Interim Leader of the Official Opposition, Dr. **Don Massey** (Lib, Edmonton- Mill Woods).

Other Events

On March 16, 2004, Speaker **Ken Kowalski** hosted a ceremony in the Legislature Building Rotunda recognizing Alberta's francophone community. Marking its 6th year, *Les Rendez-vous de la Francophonie* is a celebration of the province's French culture and history. Joining Speaker Kowalski during the recognition ceremony were **Gene Zwodzesky**, Minister of Community Development; **Don Massey**, MLA, Interim Leader of the Official Opposition; **Raj Pannu**, MLA, Leader of the New Democrat Opposition; **Ernest Chauvet**, President, Canadian Francophone Association of Alberta; and **Denis Ducharme**, (PC, Bonnyville-Cold Lake, Chair, Francophone Secretariat.

The second session of the second annual Mr. Speaker's MLA for a Day took place on April 20 and 21, 2004. Twenty-eight students from across Alberta participated in the programme which 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 partnership with the Royal Canadian Legion, Alberta NWT Command, who sponsor and assist with the program.

Micheline Gravel
Procedural Clerk



Saskatchewan

The 25th Legislature convened for the first time on March 18, 2004. The first order of business was the selection of a Speaker. **Doreen Hamilton** (Regina Wascana Plains) and **Myron Kowalsky** (Prince Albert Carlton) put their names forward for the secret ballot election. Mr. Kowalsky emerged the victor and returned to the office he has held since 2001. **Graham Addley** (Saskatoon Sutherland) and **Andy Iwanchuk** (Saskatoon Fairview) were subsequently elected Deputy Speaker and Deputy Chair of Committees of the Whole respectively.

The session opened with the traditional ceremonies and Speech from the Throne. With the emphasis on the longer-term, Premier **Lorne Calvert** (Saskatoon Riversdale) opined that day to day decisions needed to be made within the context of the government's vision and goals for the entire parliament, rather than the session. The one seat majority and the province's fiscal constraints were other underlying factors influencing the government's priorities. The priorities identified by the government for the province's Centennial year fell under the headings of education and opportunity, building a green and prosperous economy, and quality of life issues.

Opposition leader **Brad Wall** (Swift Current) challenged the government's approach by noting little emphasis on agricultural issues and no immediate education property

tax relief for rural areas. The Opposition challenged the government to encourage more entrepreneurial investment and focus less reliance on job creation through government and Crown corporation activity.

The question on the Address in Reply to the Throne Speech on March 29th resulted in a tie vote. The government's one seat majority had been temporarily lost due to the absence of the Deputy Premier **Clay Serby** (Yorkton), who was undergoing treatment for cancer. Prior to announcing how he would cast his vote, Speaker Kowalsky felt it was appropriate to outline the principles that guided him in reaching his decision. These included the impartiality of the Speaker, a principle that is enshrined in both legislation and the Rules of the Assembly, and parliamentary convention. The Speaker concluded his remarks by noting that decisions of the legislature should taken only by a majority. In the vote at hand, one that was a test of the Assembly's confidence in the Government, the decision of non-confidence should be clearly stated by a majority. It would not then be appropriate for the vote of the Speaker alone to overturn the status quo as determined in the last election. In accordance with parliamentary tradition, Speaker Kowalsky then cast his vote in favour of the Address.

2004 Budget

Finance Minister **Harry Van Mulligen** (Regina Douglas Park) delivered his first budget on March 31st. The budget was billed as a commitment to prudent fiscal management while safeguarding vital public services and programs. The budget highlighted four areas of priority. These included:

- Health care: An increase of \$223 million in spending divided between enhanced salaries/benefits/medical fees to attract and

retain health professionals; facilities and equipment; and prevention projects.

- Focusing on Children, Youth and Opportunity: a 3.8% increase in educational funding spread over capital improvements, increasing the Post-Secondary Tax Credit, launching the Young Entrepreneurs of Saskatchewan Program and 200 new child care spaces.
- Supporting Communities: Additional investments in highways, revenue-sharing grants for municipalities, the Agricultural Policy Framework and income support program, job training and creation.
- Fiscal Management and Accountability: The government announced that the dependence on the fiscal stabilization fund would be reduced and introduced a new GRF four-year financial plan. In addition, the government adopted the summary financial plan to report its financial results and projections for all departments, Crown corporations, agencies and boards.

Despite being billed as the New Democratic government's 11th consecutive General Revenue Fund balanced budget, Opposition finance critic, **Ken Krawetz** (Canora - Pelly) took issue with this claim. Pointing to the estimates, he stated that when expenditures exceed revenues, a deficit budget is the result. Mr. Krawetz then questioned whether the government had a mandate to increase the Provincial Sales Tax and taxes on tobacco and bottled beer as these were not raised during last fall's election. The Opposition also questioned the burden placed on rural Saskatchewan, where the bulk farm gasoline and propane tax rebates were reduced, 22 Rural Service Centres and 9 Saskatchewan Environment Offices were to be closed, in addition to an undisclosed number of health care facility closures and conversions.

The Budget Debate came to a conclusion on April 8th with the votes being tied on both the amendment and the main budget motion. Following parliamentary practice, the Speaker cast his ballot in accordance with certain procedural principles, and not for or against the substance of the matter, in order to avoid any imputation on the impartiality of the Chair.

The amendment to the Budget motion was clearly worded as a motion of non-confidence. The Speaker was guided in his ruling by the principle that decisions on amendments should not be taken except by a majority and that where there was no majority, the main motion should be left in its existing form. Furthermore, in a vote that was a test of the Assembly's confidence in the Government, the decision of non-confidence should be clearly stated by a majority. Accordingly the Speaker cast his vote against the amendment and declared the amendment defeated.

The question was then put on the vote on the Budget motion itself. Once again, the Speaker outlined the principles that guided his decision, and reiterated his position that matters of confidence are of such importance that a decision of non-confidence should be made clearly by a majority. Furthermore, it would not be appropriate for the vote of the Speaker alone to overturn the status quo as determined at the last election. Accordingly the Speaker cast his vote in favour of the motion and declared the Budget Motion adopted.

Committee Business

Under the new Rules of the Assembly, the procedures exist to refer estimates to any one of five standing committees. The first attempt to do so on April 8th resulted in a tie vote. At issue was the recognition that the

government would not retain its majority in a Committee of the Whole but it would in the seven member standing committees - a fact not lost on the Opposition.

The Speaker cast his vote against the motion, stating in his ruling that the principle applied to motions was that, where no further discussion was possible, decisions should only be taken by a majority. The Speaker alone should not change the *status quo*, which was to continue the Saskatchewan practice of reviewing the estimates in the Committee of Finance (a Committee of the Whole).

The matter remained unresolved until April 27th when a second series of referral motions were put before the House. By this date, the issue had been resolved, prompted by Mr. Serby's return to the Assembly and an agreement having been reached between both sides. These motions did receive the approval of the House with both sides voting in favour. Five of the higher profile departmental estimates (Agriculture, Food and Rural Revitalization; Environment, Executive Council; Health, and Learning) were left in the Committee of Finance in order to permit all members to participate in the review.

The initial reviews of the new committee estimates procedure have been positive. Members have appreciated the ability to receive answers directly from departmental officials rather than being restricted to Ministerial responses. The smaller memberships have also permitted two committees to meet simultaneously during the regular afternoon sittings. This in turn has freed MLAs not involved in the committees to attend to matters away from the Assembly. The ability to view both proceedings simultaneously on the legislative channels or through internet

streaming has proven a further benefit to those involved in the proceedings.

Members' News

Brad Wall became the new leader of the Official Opposition Saskatchewan Party on March 15th. He gained the position by acclamation after no other candidates came forward to replace **Elwin Hermanson** (Rosetown - Elrose). Mr. Hermanson had announced his intention to step down following last fall's general election. Mr. Wall was first elected to the Assembly in 1999 but had previously been involved in the political scene as an assistant to both provincial and federal politicians. He had also worked as an economic development officer for Swift Current.

One of the first tasks undertaken by Mr. Wall as leader was the shuffling of his shadow cabinet. Among the new assignments were:

- Ken Krawetz remains Deputy Leader and takes over as finance critic;
- **Rod Gantefer** (Melfort) takes over as House Leader and returns to the Health critic duties he previously held;
- **Donna Harpauer** (Humboldt) was appointed Whip;
- Mr. Hermanson was named chair of the Public Accounts Committee and Intergovernmental Affairs critic.

On the government side, Mr. Van Mulligen has been overseeing the business in the Assembly in his role as House Leader. He is assisted by the Deputy House Leader, **Pat Atkinson** (Saskatoon Nutana) and Whip **Kevin Yates** (Regina Dewdney).

Margaret (Meta) Woods
Clerk Assistant



British Columbia

On February 10, 2004, Lieutenant-Governor **Iona Campagnolo** opened British Columbia's 5th session of the 37th Parliament. The theme "bring out the best in British Columbia" was evident throughout the Throne Speech.

The Lieutenant-Governor's address featured a new government initiative that will see 25,000 new student spaces added to BC's colleges, universities and institutes by 2010. Several other announcements were directed at natural disaster prevention, which reflected the past year of fires, floods and pestilence British Columbia had experienced. These announcements include promise of new strategies to combat the mountain pine beetle; actions to be taken on the *Filmon Fire Review* recommendations; and an additional \$16.8 million to go to the BSE and Cull programs.

As of May 17, 2004, 56 Government Bills, 5 Members' Bills and 3 Private Bills have been introduced, making for a total of 64 pieces of legislation presented to date during the Fifth Session..

Public Bills

Two key bills introduced during the present sitting focus on labour agreements: the *Health Sector (Facilities Subsector) Collective Agreement Act* (Bill 37) and the *Education Services Collective Agreement Amendment Act, 2004* (Bill 19).

Bill 37, the *Health Sector (Facilities Subsector) Collective Agreement Act* required striking health care workers to return to work as well as imposing a two-year contract for the unionized hospital service workers. The government requested, pursuant to standing order 81, to move Bill 37 through all three readings in one day. The Minister of Labour **Graham Bruce** (Cowichan-Ladysmith) maintained that the swift passage of Bill 37 was necessary since the normal bargaining process had come to an impasse while a growing number of cancelled procedures, surgeries and diagnostic tests was putting patients at risk.

The Leader of the Opposition **Joy MacPhail** (Vancouver-Hastings) was critical of the government's decision to move Bill 37 though all three readings in one night. In addition, she objected to many of the aspects of the bill including the 15 percent wage reduction for 43,000 unionized hospital service workers that would be retroactive to April 1, 2004.

Speaker **Claude Richmond** (Kamloops) accepted the government's request to move Bill 37 through all three readings in one day. The Speaker stated, in part, that he was persuaded that the withdrawal of the workforce had created a province-wide crisis and that it was paramount that the workers return to work at the earliest possible moment. Debate proceeded well into the night - until 6:34 a.m. the next morning - when Bill 37 received Royal Assent.

Bill 19, the *Education Services Collective Agreement Amendment Act, 2004* amends the teachers' collective agreements setting them in line bringing them in line with the *School Act*. The government argued that this new legislation would finalize the terms of collective agree-

ments between teachers and public school employers and would help both groups prepare for negotiating new agreements in 2004. The Opposition criticized Bill 19 for removing negotiated protections for students and teachers related to class size, services for special needs students and specialty services of counselors, librarians and ESL teachers.

Another hot topic was Bill 25, the *Wildfire Act*, which incorporates the existing legislative provisions relating to fire protection into a separate act to comprehensively address wildfire-related issues in B.C. The key objective of the act is to clarify the specific responsibilities and obligations of not just forest licensees but all users of the forest with respect to fire use, prevention, control activities and rehabilitation.

Bill 3, the *Cremation, Interment and Funeral Services Act*, establishes rules relating to the operation of cemeteries, mausoleums, columbariums and crematoriums. Solicitor General **Rich Coleman** (Fort Langley-Aldergrove) explained that the adoption of Bill 3 would result in streamlined and enhanced enforcement tools; clear requirements for the opening and closing cemeteries, mausoleums or columbariums; and reduced regulatory burden on businesses. Opposition members, however, voiced concerns that this legislation would bring increased consumer costs for cremation, interment and burial services. The Leader of the Opposition noted that the government and this piece of legislation brought new meaning to the old saying: "Nothing is certain in life but death and taxes."

Private Members' Bills

On May 6, 2004, **Lorne Mayencourt** (Vancouver-Burrard) introduced, the *Safe Streets Act*, (Bill M202) and the *Trespass to Property Act*, (Bill

M203). The *Safe Streets Act* proposes to ban aggressive solicitation, such as panhandling. The *Trespass to Property Act* proposes to grant people who own or rent property in cities the right to have the police remove unwanted guests from their property. Currently, owners have to seek court injunctions to have police removed trespassers from their property. At the time of writing, the two bills had proceeded to second reading stage.

Committee Activities

One of the most active committees this spring has been the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*. Chaired by **Blair Lekstrom** (Peace River South), the Committee is reviewing the strengths and weaknesses of the current legislation and considering proposals for legislative amendments. The Committee intends to present its report to the Legislative Assembly by the close of the spring sitting on May 20.

Chaired by **Jeff Bray** (Victoria-Beacon Hill), the new Special Committee to Appoint a Merit Commissioner began its search for a candidate to serve as the Deputy Minister responsible for BC Public Service Agency, and to hold office as the Merit Commissioner for the Province of British Columbia. The Merit Commissioner is responsible for reporting annually to the Legislative Assembly on the application of the merit principle in public service appointments. The successful candidate will require the unanimous support of Committee members to have their appointment recommended to the Legislative Assembly.

Speaker's Rulings

On February 10, 2004, at the first sitting of the 5th session, the Leader of the Opposition gave notice that she

would raise three matters of privilege. The following day, she raised her first point of privilege alleging that the Minister of Finance had been in contempt of the House by announcing and implementing a change to the rate of tobacco tax prior to the introduction of enabling legislation. The announcement had been made in December 2003 while the House was adjourned.

In response, the Finance Minister objected on procedural grounds, claiming that the Member had not raised the point of privilege at "the earliest opportunity," which would have been at the prorogation sitting on the morning of February 10.

In his ruling on March 23, 2004, Speaker Richmond reported that past parliamentary practice has been for notice of matters of privilege to be given on Prorogation day and also on Opening day, describing both as *pro forma* sittings which result from the exercise of the Royal Prerogative to summon the House. The Speaker also concluded that the legislative measures required to implement the tax rate increase were proposed, as the press release and other documents submitted indicated that the measures would be presented at the next session of the House, and be retrospective to the extent necessary.

In the Speaker's opinion, the House had not been denied the opportunity to debate this tax measure, notwithstanding the legislation would be retrospective to the dates mentioned in the proposed amendment. Therefore, the transaction relating to the *Tobacco Tax Act* did not constitute a breach of privilege or a contempt of the House.

During the fifth session, the Speaker has also ruled on two other privilege matters. Both involved complaints by the Leader of the Opposition that members of the Execu-

tive Council (the former Minister of Children and Family Development, and the Solicitor General) had misled the House. In neither instance did the Speaker find a *prima facie* case of privilege.

Other Parliamentary Events

The BC Legislative Assembly hosted 20 teachers from across the province during the first British Columbia Teachers Institute on Parliamentary Democracy. Activities included briefings by the Speaker of the House, Clerk of the House, Law Clerk, Sergeant-at-Arms, and Cabinet Operations staff as well as a casual dinner with the Members of the Legislative Assembly. The Institute was regarded to be highly successful and is expected to become an annual event.

Robert Parker

Committee Researcher
Office of Clerk of Committees



House of Commons

The House convened on February 2, 2004 to open the Third Session of the 37th Parliament with a Speech from the Throne, in which the Governor General presented the legislative agenda of **Paul Martin's** government. Several bills from the previous session were reintroduced, having not received Royal Assent before prorogation. The Liberal caucus introduced its new three-line voting system, designed to give Members more freedom to voice their views and those of their constituents.

The tabling on February 10 of the Auditor General's November 2003 report on the sponsorship program proved to be the focus of a rather tumultuous session, both in Question Period and in committee, where the report was studied.

Several take-note debates were convened to discuss issues of current concern, including the anti-missile defence system, the mad cow crisis and the situation in Haiti. An emergency debate on the avian flu was also held.

On March 9, Parliament played host to the Secretary General of the United Nations for the first time since 1985. His Excellency **Kofi Annan** delivered an address to Senators, Members of Parliament and other dignitaries, drawing attention to the challenges of finding multi-lateral solutions to hunger, disease, human rights violations and environmental degradation. He emphasized the importance of the international community being adequately prepared to deal with today's threats, especially terrorism.

Budget

The Martin government's first budget was presented by Minister of Finance **Ralph Goodale** on March 23 and focused on health, providing an additional \$2 billion in health care funding for the 2003-04 fiscal year. Other announcements included a GST refund for cities and a \$4-billion emergency fund to cover unexpected events such as the SARS outbreak. Any unused portion of that fund will go directly toward paying down the debt. A surplus of approximately \$6 to \$7 billion is anticipated for the 2004-05 fiscal year.

Committees

The focal point of the Third Session was the inquiry of the Standing Committee on Public Accounts into the sponsorship program. On Feb-

ruary 12, the Committee began studying the Auditor General's report, looking specifically at Chapters 3, 4 and 5, which concern the sponsorship program, advertising activities and public opinion research. Hearings continued through the winter and into the spring, with the Committee receiving testimony from various former ministers and government officials, as well as individuals from the advertising industry. The Committee did not present a report before Parliament was dissolved.

The Standing Committee on Agriculture and Agri-Food carried out a study on beef pricing, in the context of the BSE crisis in Canada. As part of its work, the Committee asked three companies to produce financial statements. In response to the failure to comply with the request, the Committee recommended to the House on May 6 that the companies be found in contempt and ordered to provide the required documents. The House supported the Committee's recommendation and concurred in the report the same day.

In light of the failure of two of the companies to comply with the House order, the Committee presented its fourth report to the House on May 13, asking that the House impose a fine of \$250,000 per day on the two companies who had still failed to produce the documents. The House declined to concur in the report.

Privilege and procedure

On March 11, 2004, the MP for Haliburton-Victoria-Brock, **John O'Reilly**, and the MP for Scarborough-Rouge River, **Derek Lee**, raised a question of privilege relating to the broadcast on the Parliament Hill audio network of the proceedings of the Ontario Liberal

Caucus meeting held on February 25.

The Speaker found the matter to be a *prima facie* case of privilege and the question was referred to the Standing Committee on Procedure and House Affairs. The Committee presented its report on the matter on April 26, 2004, finding that a breach of privilege had occurred, but that there was no evidence to indicate that a deliberate act had taken place. The Committee maintained that it was not up to the Committee to determine whether the disclosure of the proceedings by Sun Media constituted a criminal act, although MPs could pursue the matter elsewhere if they thought this was the case.

Legislation

Of the 37 bills on the *Order Paper* for the Third Session, 16 were reintroduced from the second session of the 37th Parliament. These included Bill C-4, *An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence*; Bill C-9, *An Act to amend the Patent Act and the Food and Drugs Act (the Jean Chrétien*

Pledge to Africa); Bill C-10, *An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act*; and Bill C-25, *An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings*.

Bills passed by the House and given Royal Assent include C-3, *An Act to amend the Canada Elections Act and the Income Tax Act*; C-4; C-5, *An Act respecting the effective date of the representation order of 2003*; C-9; and C-24, *An Act to amend the Parliament of Canada Act*.

Private Members' Business

The House renewed the provisional Standing Orders on Private Members' Business until the 60th sitting day of the next Parliament. These Standing Orders make almost all items of private members' business votable.

Seven private Members' bills were passed at every stage and given Royal Assent: Bill C-205, *An Act to amend the Statutory Instruments Act (disallowance procedure for statutory instruments)*; Bill C-212, *An Act respecting user fees*; Bill C-227, *An*

Act respecting a national day of remembrance of the Battle of Vimy Ridge; Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*; Bill C-260, *An Act to amend the Hazardous Products Act (fire-safe cigarettes)*; Bill C-411, *An Act to establish Merchant Navy Veterans Day*; and Bill C-459, *An Act to establish Holocaust Memorial Day*.

Other events

Following passage of Bill C-4, *An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence*, **Bernard Shapiro** was appointed as the House of Commons Ethics Commissioner on April 29 for a five-year term.

On May 23, Prime Minister Paul Martin asked the Governor General to dissolve the 37th Parliament, so that a general election could be held on June 28.

Jean-François Lafleur
Procedural Clerk
Table Research Branch
House Proceedings

