



Legislative Reports



Manitoba

Since the House rose on June 10, 2004 legislative activity has been very light in Manitoba. Despite the relative quiet, our Standing Committees have continued to meet. The Public Accounts Committee held two meetings in September with more meetings anticipated. Our Public Accounts Committee has continued its evolution this year with several matters of procedure being debated in committee.

Other committees also met during this intersessional period to consider legislation and other matters. The Standing Committee on Crown Corporations met twice to consider Annual Reports from both the Manitoba Liquor Control Commission and the Manitoba Lotteries Corporation. Additionally, the Standing Committee on Social and Economic Development assembled to consider and hear public presentations on Bill 22 - *The Water Protection Act*. Bill 22 sets out a legislative scheme to provide improved protection for Manitoba's water resources. Carried over from the last session by agreement, the Bill will go back to

the House for Third Reading sometime during the next session.

On October 12, 2004 Premier **Gary Doer** (NDP - Concordia) announced the following changes to his cabinet:

- **Dave Chomiak** (NDP - Kildonan), the long serving Minister of Health, moved to the recently created portfolio of Energy, Science and Technology.
- **Tim Sale** (NDP - Fort Rouge) switched positions with Minister Chomiak, taking over in Health after his time as the debut Minister in Energy, Science and Technology.
- **Scott Smith** (NDP - Brandon West) becomes the new Minister of Intergovernmental Affairs and Trade. Mr. Smith was formerly the minister of Industry, Economic Development and Mines.
- **Jim Rondeau** (NDP - Assiniboia) - moves from Healthy Living to become the Minister responsible for Industry, Economic Development and Mines.
- **Theresa Oswald** (NDP - Riel) - enters cabinet for the first time as Minister of Healthy Living.

The 3rd Session of the 38th Legislature began on November 22, 2004 with the Speech from the Throne.

Rick Yarish

Clerk Assistant /
Clerk of Committees



Northwest Territories

The election for the 15th Legislative Assembly was held in November 2003. The NWT's consensus style of government is such that all Members are elected as independent Members and are subjected to an orientation period prior to choosing a Premier and Cabinet Ministers to form the government. For the 15th Assembly, this orientation period lasted from December 4, 2003 to the opening of the first session on December 11, 2003 and included two days of administrative orientation, three days of procedural and socio-economic familiarization, a two-day Territorial Leadership Committee to elect the Speaker, Premier and Cabinet, a swearing in ceremony and a quick two-day session followed by prorogation.

Both, the Speaker, **David Krutko**, and the Premier, **Joe Handley**, were acclaimed to their respective offices. In keeping with recent practice, the Leadership Committee elected two Cabinet Members from each of the northern, Yellowknife and southern constituencies. The secret ballot elections were settled on the first ballot for the northern and Yellowknife constituencies

with a second ballot required for the south.

One unique feature of consensus government is the absence of the political party platforms that would ordinarily give a new government a head start on its strategic planning following an election. The result is that setting the agenda for a new NWT Assembly can only begin after the election, and typically includes the entire Caucus.

The 15th Assembly's strategic planning began at the very first meeting of Caucus two weeks after the election. Each Member was given an opportunity to introduce themselves, and speak for ten minutes. Suggested topics, for example, "Why did you run for office?", were sent to Members in advance to help them prepare their comments. Significantly, this meeting took place before the selection of the Speaker and Cabinet Members, so that all 19 Members were able to speak freely and independently. Staff attendance was restricted to the Clerk and the Special Advisor to the Speaker, which contributed to the openness of the speeches.

A consensus emerged at the first meeting of Caucus that other northern governments should have a voice in setting the agenda for the 15th Assembly. This resulted in an historic gathering of aboriginal leaders, municipal government leaders and the 19 MLAs hosted by the K'atl'odeeche First Nation on the Hay River Dene Reserve. The gathering, which became known as the Circle of Northern Leaders, was held over three days in April 2004. In order to ensure that all governments were treated as full participants, the overall planning for the meeting was overseen by a Steering Committee with representatives from aboriginal and municipal governments, the Legislative Assembly, and the Government of the

Northwest Territories. The Committee selected two independent co-chairs, including former Premier **Jim Antoine**, and two independent facilitators, including former Clerk **David Hamilton**.

Although the Circle of Northern Leaders contributed to Caucus and Government strategic planning efforts, its most significant outcome was a general agreement among the delegates that it should mark the beginning of an ongoing forum to develop more trust and collaboration among northern governments on common interests. The Circle of Northern Leaders will now likely be an annual event.

Following the Circle of Northern Leaders, Caucus and Government completed their strategic planning processes. The final outcome was two documents: the 15th Assembly's vision and goals, and a government strategic plan which elaborates on the first document by identifying specific actions to accomplish the goals identified by Caucus. Both documents were released to the public in June 2004.

Disciplinary Matters

On May 28, 2004, **Norman Yakeleya**, the Member for Sahtu, gave notice that on May 31, 2004, he would move that the Assembly revoke the appointment of **Henry Zoe** to the Executive Council. The circumstances giving rise to this motion, which were widely reported in the local and national media, related to an alleged verbal and physical altercation between Mr. Zoe and certain members and guests of the Royal Canadian Legion.

In the end, the motion was carried with thirteen in favour, four opposed and one abstention. The following day, a second meeting of the Territorial Leadership Committee of the 15th Legislative Assembly was convened to elect a new Mem-

ber of the Executive Council. Prior to the commencement of the meeting, Mr. Krutko submitted a letter to the Clerk advising of his resignation as Speaker. The first order of business therefore, was the election of a new Speaker. Following a call for nominations, **Paul Delorey**, MLA for Hay River North was acclaimed Speaker by the Clerk and immediately assumed the Chair of the meeting. Each of the two candidates for the vacant cabinet seat was provided ten minutes to make a speech, followed by a secret ballot election. Former Speaker Krutko was elected to the Executive Council and has since assumed the portfolio of Minister of Housing.

The second disciplinary matter relates to the declared place of residence of former Cabinet Minister **Roger Allen**. Members who permanently reside outside of commuting distance of the capital are entitled to an accommodation allowance of up to \$30,000 per year. This allowance is intended to cover the cost of a second residence in Yellowknife for the Member's use while in the capital on business of the Assembly. To access the allowance, Members are required to swear a statutory declaration attesting to their primary place of residence and provide the Board of Management with certain documents to substantiate the declaration.

On March 31, 2004, Mr. Allen provided then Speaker Krutko with a statutory declaration claiming permanent residence at 107B East Campbell Lake, Inuvik. This declaration was subsequently tabled in the House. Upon review of the supporting documentation, the Board of Management advised Mr. Allen that further substantiation of his place of primary residence was needed. The Board gave Mr. Allen

until June 30, 2004 to provide it with additional proof of residence.

The Board met on June 30 to review the additional documentation provided by Mr. Allen. At this meeting, the Board determined the documentation to be insufficient and advised Mr. Allen that his access to the capital accommodation allowance was revoked and that repayment of all funds previously provided was required within ninety days. It is important to note that the Board did not make a determination as to Mr. Allen's place of permanent residence, be it Inuvik or otherwise. It simply concluded that adequate documentation in support of the declaration, and the housing allowance, was not provided. The Board's decision was made public by way of a news release.

In light of further investigations by the news media and in response to pressure from the public and other Members of the Legislative Assembly, the Board invited Mr. Allen to appear before the Board to respond to questions concerning his statutory declaration of residence. Mr. Allen did not appear however, and instead requested that the meeting be held at a later date. Rather than delay the matter further, the Board decided to submit a complaint to the Assembly's Conflict of Interest Commissioner. The complaint was made pursuant to section 75 of the *Legislative Assembly and Executive Council Act*, which requires a Member to "arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member."

The Conflict of Interest Commissioner, in investigating the matter, has the authority to either dismiss the complaint or refer it to a sole adjudicator. A sole adjudicator has the authority to recommend a wide range of sanctions to the Assembly.

The Assembly may either accept or reject the recommendations of the sole adjudicator, but not vary them. In the meantime, Mr. Allen submitted his resignation as a Member of the Legislative Assembly to the Speaker on October 12, 2004. The Member's seat has been declared vacant and a by-election is being held in the Inuvik Twin Lakes riding to select a new Member. The Conflict of Interest Commissioner's investigation continues.

Legislation and Committees

Due to the timing of the election, which did not allow for major changes to be made to the 2004-2005 budget, or for Committee reviews of business plans, which ordinarily precede consideration of Main Estimates, all Members agreed to an accelerated budget review process. Committees reviewed the draft Main Estimates during the last two weeks of February, and the Appropriation Bill for 2004-2005 was considered and passed during a two and a half week session in March. A Supplementary Appropriation Bill and two income tax bills, raising the corporate tax rate and top tier personal income tax rates, were also passed at that session. A second Supplementary Appropriation Bill, as well as an increase to the payroll tax and related amendments to the *Income Tax Act* were passed in the June session.

The only other major legislation considered to date by the 15th Assembly is the *Tlicho Community Government Act*, which was introduced in March and passed in June. This is the second of three Acts the Legislative Assembly must pass in order to implement the *Tlicho Agreement*, a comprehensive land claim and self-government agreement that covers an area of approximately 39,000 km² north of Great Slave Lake. These Acts cannot come into

force until Canada passes its own settlement legislation, including amendments to the *Northwest Territories Act*, which will authorize these territorial laws that would otherwise be *ultra vires*.

The Act deals with the establishment of new community governments in accordance with the Agreement, and sets out their municipal-type powers and procedures. A significant portion of the Act was dictated by the negotiated Agreement itself, which left little room for amendments by legislators. The Committee did identify some very minor areas of concern, and the Minister undertook further consultations with the Tlicho before agreeing to the amendments.

Public hearings were held in Rae-Edzo, the largest of the Tlicho communities, where the Committee heard unanimous support for the Bill. The Committee made funds available for residents of the other three Tlicho communities, which are accessible only by air for most of the year, to attend the hearings. The Committee also held hearings in Yellowknife, where some witnesses opposed the Bill. Generally these witnesses had objections to the overall Agreement, which the Committee had no power to change, and not to the specific contents of the Bill itself.

The Assembly's experience with the first two Tlicho implementation Bills raised a number of issues of procedure and the meaningfulness of the role of Committees in reviewing self-government legislation. We expect to be challenged by many such issues over the next several years as more and more self-government Bills come before the Assembly. One such Bill is the third Tlicho implementation Bill, the *Tlicho Community Services Agency Act*, which received Second Reading in the House on October

21, 2004 and stands referred to the Standing Committee on Social Programs.

During the October sitting, in considering two separate Supplementary Appropriation Bills, Regular Members raised concerns about the Government's apparent excessive use of special warrants to appropriate funding for several projects. The House subsequently debated and passed a motion brought forward by the Regular Members calling for amendments to the *Financial Administration Act* to limit the use of special warrants and to ensure that all Members are given adequate notice when their use is being contemplated.

Legislative Calendar

In January 2004 the full Caucus adopted, for the first time, a legislative planning calendar. The calendar establishes three distinct sittings, Winter, Spring and Fall, as well as three distinct "blackout periods" or recesses when neither the House or its Committees will ordinarily sit. These blackout sessions include a three-week period around the Christmas holiday, a two-week period during the school spring break, and a six-week summer recess during which many of the aboriginal summer assemblies occur. Thus far, the planning calendar has not been formalized within the rules of the Assembly but operates by convention only.

Cultural Enhancement Plan

In March of 2004, the Board of Management adopted and began implementation of a Cultural Enhancement Plan for the Legislative Assembly. Following the division of the Northwest Territories in 1999, the Assembly's art collection was divided between the new NWT and the Nunavut Legislative As-

sembly. The artwork that remains does not fully and adequately reflect the many cultures that continue to make up the Northwest Territories. The Cultural Enhancement Policy sets out a plan and dedicates resources to the physical enhancement of the precincts of the Legislative Assembly including its grounds and art collection. The Plan also calls for the establishment of a Legislative Precinct Advisory Committee that will provide advice to the Board on the commissioning, acquisition and placement of artwork within the precincts. A Call for Expressions of Interest to serve on the advisory committee was recently issued.

Tim Mercer

Clerk of the Legislative Assembly and
Colette Langlois
Director of Research Services



The Member for Gouin and Official Opposition House Leader, **André Boisclair**, announced his retirement from politics last August 17. Mr. Boisclair resumed his studies and is currently registered in the Master's programme in public administration at Harvard University. The following day, **Bernard Landry**, Leader of the Official Opposition, appointed **Diane Lemieux**, the Member for Bourget, as Official Opposition House Leader. Mrs. Lemieux is the first woman in the history of the National Assembly to hold this office. On September 9, 2004, Mr. Landry announced the appointment of **Jacques Côté**, the

Member for Dubuc, as Deputy Opposition Whip, thus replacing **Nicole Léger**, the Member for Pointe-aux-Trembles.

By-elections were held in four electoral divisions on Monday, 20 September 2004. **Nicolas Girard** (Parti Québécois) was elected in the riding of Gouin, **Elsie Lefebvre** (Parti Québécois) in the riding of Laurier-Dorion, **Yolande James** (Québec Liberal Party) in the riding of Nelligan and **Sylvain Légaré** (Action démocratique du Québec) in the riding of Vanier. The membership of the Assembly currently stands as follows: Liberal Party, 73 Members; Parti Québécois, 46 Members; independent, 6 Members, 5 of whom are from the Action démocratique du Québec party.

Interparliamentary Relations

On September 1, 2004, the President of the National Assembly of Quebec and his counterpart from the Legislative Assembly of New Brunswick, **Bev Harrison**, signed an agreement establishing the New Brunswick-Québec Parliamentary Association. This initiative on the part of President Bissonnet aims to develop interparliamentary dialogue between both institutions for the purpose of reinforcing exchanges and friendly relations between New Brunswickers and Quebecers.

Nancy Charest, the Member for Matane and parliamentary assistant to the Minister of Finance, and **Serge Deslières**, the Member for Beauharnois, were respectively designated chair and vice-chair of the Quebec section of this new association, which will meet once a year and will be composed of five members from both assemblies.

The proceedings of the 18th session of the Commission interparlementaire franco-québécoise, which met from September 4-16, 2004, focussed mainly

on the health systems in Québec and France, particularly with regard to funding, the impact of ageing populations and health insurance.

The Quebec delegation was composed of **Dominique Vien** (Bellechasse), **Maxime Arsenault** (Îles-de-la-Madeleine), **Normand Jutras** (Drummond), **Sarah Perreault** (Chauveau), **Marc Picard** (Chutes-de-la-Chaudière) and **Éric R. Mercier** (Charlesbourg). With their French counterparts, the Members discussed cultural and linguistic diversity and presented a review of France-Québec cooperation over the course of the past year.

The President of the National Assembly of Quebec, **Michel Bissonnet**, and his counterpart from the French National Assembly, **Jean-Louis Debré**, underlined the 25th anniversary of the Commission. For the occasion, both presidents took part in the planting of an oak tree on the Parliament Building premises. The oak, which symbolizes longevity, marks the vitality of the cooperation between both assemblies.

Parliamentary Simulations

On September 13, 2004, the Vice-President of the Quebec National Assembly and Member for Abitibi-Ouest, **François Gendron**, officially launched the fifth edition of the Seniors' Parliament. Composed of retired men and women hailing from various regions of Quebec, this parliamentary simulation takes place at the National Assembly and highlights the concerns of citizens aged 55 years and over, while allowing them to become more familiar with the stages of the legislative process and the role of Members.

The hundred or so participants in the Seniors' Parliament 2004 adopted the *Act concerning the implementation of a policy on ageing well*,

which aims to promote the well-being of seniors, to stimulate their participation, to recognize their contribution to society and to eliminate age discrimination, as well as the *Act respecting home care services*, whose purpose is to implement measures aiming to provide home care services for seniors, thus enabling them to live at home while maintaining their functional independence.

Other Matters

Last September 14 the President of the National Assembly of Quebec and the Minister of Justice and Attorney General, **Jacques P. Dupuis**, launched, in the Legislative Council Room, in the presence of several dignitaries, including the President of the French National Assembly, the exhibition entitled *The Civil Code: All in the Family*. This exhibition, which is addressed to a broad public and presented in collaboration with the National Capital Commission of Quebec from September 15 to December 17, 2004, concerns Quebec's civil law as experienced by the men, women and children whose daily relations are governed thereby.

The scholarship programme, offered by the Jean-Charles-Bonenfant Foundation since 1978, pursues pedagogical objectives, including that of promoting studies and research on the political and parliamentary institutions of Quebec. For the first time this year, the Foundation will welcome five scholarship holders – rather than four – for a ten-month internship at the National Assembly, during which university students come to acquire theoretical and practical knowledge of the parliamentary institutions and of the role and work of Members.

The internship programme is divided into three parts:

- the discovery of the National Assembly and a comparative study with other Canadian and foreign parliamentary institutions;
- alternate twinning with a Member from the parliamentary group forming the Government and with an Opposition Member;
- the drafting of a research paper on the parliamentary institutions of Québec.

The new scholarship holders for 2004-2005 are **Jean-François Clermont-Legros**, who holds a Bachelor's and a Master's degree in history and is currently a doctoral candidate in the same field at McGill University; **Pierre-David Jean**, Bachelor of Political Science; **Marjolaine Pigeon** and **Chantal Rainville**, both Bachelors of Political Science, the first of whom is pursuing a Master's degree in political science, and the second, in sociology; **Yannick Vachon**, who holds a Bachelor's degree in philosophy and a law certificate and who is currently registered in the Master's programme in policy analysis at Laval University.

Francine Boivin Lamarche

Secretariat of the National Assembly

Standing committees

As is customary, the standing committees slowed down their activities during the summer holidays. Nonetheless, certain of them held consultations within the framework of the clause-by-clause consideration of bills or carried out statutory orders. They also were involved in various innovative technological projects which are part of the reform undertaken by the National Assembly to bring the citizens and the Parliament closer together.

The Use of Videoconferencing

On September 8, 2004, the Committee on Social Affairs (CSA) heard the Nunavik Regional Health and Social Services Board within the framework of the examination of its annual report for 2002-2003. This mandate stems from the statutory orders of the Committee, pursuant to the *Act respecting social services and health services*.

Nunavik being a remote location that is virtually inaccessible by land, the expenses incurred by the Board when its head officers must travel to Quebec City to attend a hearing are significant. Consequently, the Committee took advantage of this mandate to innovate and heard the representatives of the Board via videoconferencing. It was a first, which allowed the committee to experiment with the possibilities and limitations of this technology during the television broadcast of a public hearing.

The challenges were twofold: combine videoconferencing technology and the world of television broadcasting and adapt the "person-to-person" communication of the videoconference to the parliamentary committee proceedings. To render the situation even more complex, the participants were located in three different places: Quebec, Montreal and Kuujjuaq. Moreover, the proceedings took place in French and in English, thus requiring translation services.

The experience was most successful. Much as they regretted the absence of the participants, the Members were enthusiastic regarding the possibilities provided by videoconferencing. They expressed the desire that this method again be used in the future, in justifiable circumstances.

Improved Accessibility

The CSA innovated once again at the end of September during a general consultation on Bill 56, *An Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions*. On this occasion, it implemented a series of measures to make its proceedings accessible to the greatest number of persons with disabilities. The Legislative Council Room was thus chosen for the holding of public hearings, owing to its easy accessibility. Adapted parking areas were reserved near the Parliament Building and visitor reception and accompaniment services were put at the disposal of persons requiring them. Interpreters assisted participants who had requested their services, and, for citizens attending the proceedings, monitors broadcast an interpretation service in Quebec sign language. Furthermore, since the conclusion of the hearings, the interested parties can obtain, free of charge, the entire Committee proceedings with the superposition of a sign interpreter on VHS tape or on CD-ROM by addressing the request to the Office des personnes handicapées du Québec.

Briefs Available On-line

A pilot project is currently underway at the Committee on Transportation and the Environment (CTE) in order to facilitate citizens' access to documents produced for a Committee's proceedings. Within the framework of the general consultation on Bill 44, *An Act to amend the Act respecting the Ministère de l'Environnement, the Environment Quality Act and other legislative provisions*, the briefs submitted by the interested persons and organizations and the documents tabled are digitized and then made available on the Internet site of the Assembly

within a 48-hour delay. At the conclusion of the consultation, the briefs of those persons and organizations who were not heard will also be placed on the Internet site. The same will hold for the minutes of the Committee proceedings, once this document has been tabled in the Assembly.

The results of this project will indicate to what extent this initiative may be applied to all parliamentary committees.

Sonia Grenon

Secretariat of committees

Translation: **Sylvia Ford**

Secretariat of the Assembly



House of Commons

In the wake of an election that saw one of the lowest voter turnouts in Canadian history, Members assembled in Ottawa to launch the Thirty-Eighth Parliament. In addition to confronting the challenges presented by a minority parliament, Canada's first in a quarter of a century, the new government faces heightened public expectations around the need to modernize and reform our political institutions. Initial steps were taken during the last Parliament, including provisional new procedures for Private Members' Business to ensure every Member at least one opportunity during the course of a Parliament to have a bill or motion voted on by the House. Those provisions will remain in force, again provisionally,

until the end of June 2005, at which time a decision will be taken as to whether or not they are to be made permanent.

The Thirty-Eighth Parliament also saw the election of **Steven Fletcher** (Charleswood–St. James–Assiniboia), the first quadriplegic federal Member of Parliament. Paralyzed at age 23 as the result of a car accident, the new Winnipeg area MP gets around using a motorized wheelchair operated by head movements. While all parliamentary buildings and grounds met federal and provincial accessibility standards, some modifications were required to meet Mr. Fletcher's specific needs. Similarly, a new standing order was adopted authorizing the Speaker to alter the application of any standing order or practice of the House to permit the full participation of any Member with a disability. In the Chamber, Mr. Fletcher sits in the front row near the Speaker, where a chair and fold-away table have been provided for his attendant. He uses a wireless headset to follow and speak during debate.

Opening of Parliament

On October 4th, Members gathered in the Chamber to elect their Speaker. In presiding over the election, the Dean of the House, **Bill Blaikie** (Winnipeg–Transcona, NDP), remarked that, back in 1985, as a member of the McGrath Committee on the Reform of the House that recommended the Dean serve this function, he could never have imagined that one day he would be the individual in question. Given that all of the other candidates rose to withdraw their names from the ballot, leaving only that of the incumbent Speaker, **Peter Milliken** (Kingston and the Islands, Lib.), Mr. Blaikie sought and received consent to forgo the balloting and related

procedures and declare Mr. Milliken elected.

The next day, Governor General **Adrienne Clarkson**, accompanied by her husband **John Ralston Saul**, arrived on Parliament Hill to deliver the Speech from the Throne. The speech outlined Prime Minister **Paul Martin's** policy agenda for the new session: health care, cities, child care, foreign relations, and institutional reform. Citing seven 'guiding principles'—fiscal discipline; the national interest; diversity; focus on results; the *Charter of Rights and Freedoms*; equality of opportunity; and global projection of Canadian interests and values—the Speech outlined a number of major policy initiatives, including a new Workplace Skills Strategy, Equalization reform, strengthening the armed forces, and a national, universal, accessible system of quality early learning and child care. The government also signalled its intention to examine the need and options for electoral reform.

The motion for an Address in Reply to the Speech from the Throne was proposed and seconded by newly-elected government Members **Mario Silva** (Davenport) and **Françoise Boivin** (Gatineau).

In their responses, the opposition accused the government of exploiting the federal spending power to introduce policy initiatives in areas of provincial jurisdiction and called for a 'rebalancing' of the federal-provincial fiscal relationship. Official Opposition Leader **Stephen Harper** (Calgary, CPC) charged that the proposed health care 'reforms' were simply reparation for the damage Liberal governments had inflicted since 1993. Setting out the Opposition agenda, Mr. Harper called for catastrophic drug coverage, a clean air act, increased defence spending, and improved relations with the United States. He

then proposed an amendment calling for an independent tripartite commission to set and monitor EI premiums; tax reductions for low and modest income families; a parliamentary budget office; a citizens' assembly on electoral reform; and a parliamentary vote on any Canadian participation in a continental missile defence treaty.

Bloc Québécois Leader **Gilles Duceppe** (Laurier–Sainte-Marie) echoed many of Mr. Harper's points, but focused more emphatically on "fiscal imbalance" and what he held to be continued federal incursion into provincial jurisdiction. These two issues formed the substance of his subamendment to Mr. Harper's amendment.

For his part, NDP Leader **Jack Layton** (Toronto–Danforth) acknowledged the need to make this Parliament work and vowed that he would do his part to ensure that the government kept its promises. Like the other leaders, Layton noted that many of the Throne Speech proposals had been promised but not delivered by previous Liberal governments and questioned the Prime Minister's preoccupation with the debt, at the expense of a clean environment, healthy cities, and affordable housing.

Shortly before proceedings on Mr. Duceppe's subamendment expired, and citing consultations with the Prime Minister and the other parties, the Bloc leader proposed an amendment to the subamendment, which was agreed to. The amended subamendment was then put to the House and adopted, unanimously. Subsequently, Mr. Harper proposed an amendment to his amendment, which also was adopted, unanimously, as was the main motion on the Address in Reply.

Among its first items of business, the House approved a Government motion dealing with, among other

things, the Business of Supply (the schedule for considering the 2004-2005 Estimates and the number of Opposition Days); parliamentary committees (revised list, membership, and chairs); providing for Members with disabilities; and the selection of Chair occupants. (*Government Business No. 1*)

The motion introduced new rules governing the nomination of candidates for Deputy Speaker and Chair of Committees of the Whole, Deputy Chair of Committees of the Whole, and Assistant Deputy Chair of Committees of the Whole. Under the new rules, the Speaker is authorized, after consultation with party leaders, to propose a candidate for each of the positions and to proceed immediately to a confirmation vote, with no debate or amendment. In accordance with the new procedure, **Chuck Strahl** (Chilliwack-Fraser Canyon, CPC) was appointed Deputy Speaker and Chair of Committees of the Whole and **Marcel Proulx** (Hull-Aylmer, Lib.) and **Jean Augustine** (Etobicoke-Lakeshore, Lib.) were appointed Deputy Chair of Committees of the Whole, and Assistant Deputy Chair of Committees of the Whole, respectively.

Legislation

The Government introduced several bills during the first two weeks, including legislation dealing with child pornography, DNA identification, infectious diseases, and public sector whistleblowers. Six of the bills propose legislative measures originally introduced during the last session of the 37th Parliament, specifically:

- C-2, *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act (formerly C-12)*

- C-10, *An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts (formerly C-29)*
- C-11, *An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings (Public Servants Disclosure Protection Act) (formerly C-25)*
- C-12, *An Act to prevent the introduction and spread of communicable diseases (Quarantine Act) (formerly C-36)*
- C-13, *An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act (formerly C-35)*
- C-14, *An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other acts (Tlicho Land Claims and Self-Government Act) (formerly C-31)*

Four of these were referred to committee before second reading, specifically Bill C-2 (Child Pornography), Bill C-12 (Quarantine), Bill C-13 (DNA identification), and Bill C-11 (Whistleblowers).

Bill C-2, *protection of children and other vulnerable persons) and the Canada Evidence Act* strengthens existing prohibitions on the exploitation and abuse of children, by expanding the scope of selected offences, narrowing the availability of statutory defences, and, in certain cases, increasing the penalties. The bill also creates new offences relating to voyeurism and introduces aids to assist children who testify in criminal proceedings.

The current bill is the third version of the legislation to reach the House. Bill C-20, passed the House but failed to receive Royal Assent in the Second Session of the 37th Par-

liament, and died on the *Order Paper* at the report stage in the Third. While the bill attempts again to restrict or redefine 'artistic merit' as a legal defence against pornography charges, the opposition claims that the government is merely opening up another 'loophole'. In addition, official opposition critic **Rob Moore** (Fundy Royal, CPC) voiced concern over the failure to raise the age of consent from 14 to 16.

Another significant legislative initiative carried over from the previous Parliament is Bill C-11, the renewed *Public Servants Disclosure Protection Act*, or 'whistleblower' legislation. Drafted partly in response to the sponsorship scandal and the Radwanski affair, the original legislation (Bill C-25) stood referred to the Standing Committee on Government Operations when the 37th Parliament was dissolved. While C-11 retains many of the features of the earlier bill, including requiring that all federal organizations establish internal disclosure mechanisms and protecting whistleblowers from reprisals for good faith disclosures, it also proposes significant revisions, such as delegating investigatory responsibility to the President of the Public Service Commission in order to increase the independence and objectivity of that function. This latter measure was criticized, however, by official opposition critic **Guy Lauson** (Stormont-Dundas-South Glengarry, CPC) who challenged the 'independence' of the PSC office, and reiterated that only a fully autonomous body—reporting directly to Parliament rather than to a minister—can properly protect the whistleblower.

Committees

The House has created two new standing committees—the Standing Committee on Access to Informa-

tion, Privacy and Ethics, and the Standing Committee on the Status of Women—and reduced the size of the membership of all standing committees to 12 (5 from the government, 4 from the official opposition, 2 from the Bloc Québécois, and one from the NDP). With the exception of the Standing Committees on Public Accounts, Access to Information, Privacy and Ethics and Government Operations and Estimates, and the Standing Joint Committee on Scrutiny of Regulations, committee Chairs will be government members, while the first and second Vice-Chairs will be members of the Official Opposition Party and an opposition party other than the Official Opposition, respectively. The remaining three committees will be chaired by a member of the Official Opposition, with the first and second Vice-Chairs members of the government party and an opposition party other than the Official Opposition, respectively.

Despite new rules providing for the election of Chairs and Vice-Chairs by secret ballot, only two committees used this procedure—the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness (election of the Chair) and the Standing Committee on Fisheries and Oceans (election of the Official Opposition Vice Chair).

A number of committee studies are already underway. Among the most significant are inquiries into the purchase of used British submarines (Standing Committee on National Defence and Veterans Affairs), child pornography (Justice, Human Rights, Public Safety and Emergency Preparedness), public sector whistleblowers (Government Operations and Estimates), and the annual Pre-Budget Consultations (Finance). Some of work from the Thirty-Seventh Par-

liament has been carried forward into the current session, including a request from the Standing Committee on Fisheries and Oceans for a comprehensive Government response to its report recommending, among other things, that the Coast Guard become an independent civilian agency, and that a select number of Coast Guard officers be designated peace officers and be allowed to carry arms.

Other Business

The House debated bovine spongiform encephalopathy in Committee of the Whole on the evening of Thursday, October 7, 2004. The debate was extended to a second sitting evening on Tuesday, October 12.

On Wednesday, October 6, the Prime Minister rose in the House to announce the death of Lieutenant **Chris Saunders** from the injuries sustained during an accident aboard the HMCS Chicoutimi. Members stood for a moment of silence, following which, the House adjourned.

On Friday, October 22, the House paid tribute to retiring Liberal Senator and former Member of Parliament for Ottawa-Vanier, **Jean-Robert Gauthier** and on Monday, November 1, 2004, the House paid tribute to Canada's Olympic and Paralympic athletes.

On Monday, October 25, 2004, **Vincente Fox**, President of the United States of Mexico, addressed a joint meeting of the House and the Senate in the Commons Chamber.

The House has agreed that its provisional standing orders governing Private Members' Business, as well as its guidelines for televising committee proceedings, will remain in force for a further period of time.

On Tuesday, October 26, 2004, the House unanimously adopted a resolution requesting that the Canadian government impress on the government of the Ukraine the need to ensure a fully transparent process for its upcoming presidential election. The motion was sponsored by **Borys Wrzesnewskij** (Etobicoke Centre, Lib.).

Pat Steenberg
Procedural Clerk
House Proceedings



New Brunswick

New Brunswick served as host of the 25th Annual Conference of the Canadian Council of Public Accounts Committees (CCPAC), held in Fredericton from August 29 to 31. The conference is held jointly with the Annual Conference of the Canadian Council of Legislative Auditors. Over 130 delegates and guests attended the three-day joint conference, representing every territory and province as well as the island country of Bermuda. The CCPAC conference was hosted by New Brunswick Public Accounts Committee Chair **Frank Branch** (Lib., Nepisiquit), as well as Vice-Chair **Milt Sherwood** (PC, Grand Bay-Westfield). The business sessions touched on various topics of interest to legislators, including health care accountability, the implementation of generally accepted accounting principles, and public performance reporting. The social activities, included a visit to Kings

Landing Historical Settlement and a dinner and entertainment at Canadian Forces Base Gagetown.

A delegation of New Brunswick MLAs were present at the National Assembly of Quebec as the First Session of the 37th Legislature resumed on Oct. 19. At 4 p.m., the proceedings were suspended and a special ceremony was held to commemorate the Royal Proclamation designating July 28th of every year "A Day of Commemoration of the Great Upheaval". To mark the occasion, the New Brunswick and Acadian flags were flown on top of the National Assembly building. Among the Members present were **Cy Richard LeBlanc** (PC, Dieppe-Memramcook), **Ronald Ouellette** (Lib. Grand Falls Region), **Claude Williams** (PC, Kent South), **John Betts** (PC, Moncton Crescent), and **Eugene McGinley** (Lib., Grand Lake).

Earlier in the week, the delegation attended the first meeting of the Quebec-New Brunswick Parliamentary Association. The agreement establishing the new association was signed in Quebec City on Sept. 1, 2004, with the aim of strengthening the close ties and bonds of friendship that already exist between Quebec and New Brunswick and providing a regular forum for meetings between members of the two assemblies.

President Designate LeBlanc noted that New Brunswick and Quebec share a common border, several centuries of history, deep cultural roots and strong economic ties. The meetings of the two assemblies will provide a forum for continued discussion and information sharing. Among the topics discussed during the two-day meeting were: tourism as a regional economic development engine; the e-government project (one-stop centres, online services, consolida-

tion of phone inquiry services); automobile insurance; interprovincial trade and cross-border labour mobility; cross-border highway safety issues (Route 185); and the education system (early intervention). Mr. Ouellette has been designated vice-president of the new association. The meetings of the association will be held yearly and alternate between the two provinces.

On October 27, **Victor Boudreau** (Lib.) was sworn in as the Member of the Legislative Assembly for Shediac-Cap-Pelé. Mr. Boudreau was elected in a by-election held Oct. 4, 2004. The former manager of the Village of Cap-Pelé was active in politics for many years and served as executive assistant to **Bernard Richard** who resigned as the long-standing Member for the riding in November 2003 to take up the post of Provincial Ombudsman. With the election of Mr. Boudreau the standings in the House are 28 Conservatives, 26 Liberals and one NDP.

Committee Activity

The Select Committee on Wood Supply tabled its final report on September 15. The report contains 25 recommendations relating to wood supply in the Province and other matters pertaining to the management of New Brunswick's forests.

Following the input received through a series of 13 public meetings, the Committee deliberated over several months. The 12-member Committee, chaired by **Kirk MacDonald** (PC, Mactaquac), began its work in October 2003, examining the Crown forest management system and the many complex issues related to the current wood supply situation. This was a continuation of the process that began with the *Jaakko Pöyry* study examining the possibility of

doubling the softwood supply of New Brunswick. The Committee did not endorse the *Jaakko Pöyry* strategy as a 'go forward' one, but instead recommended a more holistic approach - managing for a forest of greater diversity, thereby creating greater benefits for the people over the long term.

The report recommends continued participation of the public through the adoption of a formal consultation process. It recommends the establishment of a Provincial Advisory Committee, giving representatives from various stakeholder groups an opportunity to routinely provide advice to the minister. The Committee also recommends establishment of specific wood supply objectives, with a silviculture fund devoted to support the management needed to meet those objectives. These recommendations respond to two issues of considerable significance to the forest industry, and signify the Committee's recognition that such commitments are essential to generate more stability and greater assurance about the Province's commitment to a vibrant forestry future.

The Standing Committee on Law Amendments is undertaking a review of two bills recently introduced in the Assembly. *Restricted Dogs Act*, Bill 55, which was introduced by **Kelly Lamrock** (Lib., Fredericton-Fort Nashwaak). The Bill would make several changes to the law regarding certain breeds of dogs; namely, rottweilers, Japanese akita's, and two varieties of pit bulls. The Bill would require owners to have a licence for these dogs, and to carry liability insurance to cover damages caused by them. As well, the Bill would hold owners strictly responsible for any injuries caused by these dogs, and requires owners

to maintain control of them both on and off their property.

The second bill under consideration is the *Pay Equity Act*, Bill 77, which was introduced in the legislature by NDP Leader **Elizabeth Weir** (NDP, Saint John Harbour). The Bill sets out a framework for resolving the differences in the payment of wages to men and women in predominantly female work occupations. The Bill applies to both private and public sector employees and would require that employers take proactive measures to achieve pay equity in the work place. As well, the Bill proposes the establishment of a Pay Equity Commission to help promote and achieve pay equity in the province. The Committee, chaired by **Jody Carr** (PC, Oromocto-Gagetown), will commence public hearings in mid-November.

The Standing Committee on Crown Corporations, chaired by **Wally Stiles** (PC, Petitcodiac) remained active during the parliamentary recess, having reviewed the activities and financial statements of 15 Crown Corporations and agencies during the months of October and November. The Committee also had prepared a summary of testimony heard during the Committee hearings last March on the troubled NB Power deal with Venezuela to purchase Orimulsion. Orimulsion, a mixture of water and bitumen produced only in Venezuela, was supposed to fuel the newly refurbished Coleson Cove power plant near Saint John, N.B. The deal for Orimulsion fell apart earlier this year after the Venezuelan government decided to scrap its Orimulsion production.

During the months of September to November the Standing Committee on Public Accounts, chaired by **Frank Branch** (Lib., Nepisiquit), completed its review of the fiscal ac-

tivities of government. The Committee reviewed the spending of each government department up to and including the fiscal year ending March 31, 2003. The Committee is expected to report to the House in December.

The House, which adjourned on June 30, is expected to reconvene in early December. It is widely expected that the First Session which lasted 61 sitting days and spanned 12 months, will be prorogued and a new session opened.

Donald J. Forestell
Clerk Assistant and Clerk of
Committees



Ontario

During the summer recess, the Progressive Conservative Party of Ontario elected a new leader. **John Tory**, who had placed second in the mayoral race for the City of Toronto last year, was elected the new leader in the place of outgoing leader and former Premier, **Ernie Eves**. Mr. Tory does not have a seat in the House and the Speaker recognized **Bob Runciman**, long serving member from Leeds-Grenville, as Leader of the Official Opposition. The two other leadership candidates, **Jim Flaherty** (Whitby-Ajax) and **Frank Klees** (Oak Ridges), were named Finance Critic and Education Critic, respectively.

The Legislature resumed on October 12, 2004. Legislation intro-

duced to date includes a bill regarding accessibility for persons with disabilities to establish standards that apply to both public and private organizations and a bill to establish the Office of the Chief Medical Officer of Health that is independent of the government. This is in response to recommendations that arose from a review of services during the SARS crisis during the summer of 2003. Legislation that is being debated includes a bill to allow customers to bring their own wine to restaurants and to take a partial bottle of wine home from the restaurant.

There are several areas of debate that have generated public interest. The Minister of Health has introduced initiatives to encourage physicians, nurse practitioners, pharmacists and other health professionals to move into family health networks with OHIP payments based on capitation instead of fee-for-service. Also, the Attorney General has introduced legislation to ban the pit bull breed of dogs from all of Ontario.

Committee Activity

The Estimates Committee met over the summer recess to consider the Estimates of the Ministry of Finance, Health and Long Term Care, and Energy. It has since considered the Estimates of Municipal Affairs and Housing, and will finish with Children and Youth Services and Education.

The Standing Committee on Finance and Economic Affairs travelled to Ontario's far north for public hearings on Bill 97, Revenue Sharing For First Nations. The Committee traveled to Sioux Lookout, New Osaburg (Mishkeegogamang), Attawapiskat and Moose Factory on a four day tour, September 20-23, 2004. The visit to Attawapiskat on the

Attawapiskat River near James Bay marked the first visit of a Legislative Committee to that community.

On June 29, 2004 a motion passed unanimously in the Legislative Assembly for the Standing Committee on Justice Policy to meet over the summer break to review and report on the adequacy of Ontario's emergency management statutes. This motion also gave the Committee an opportunity to hear what witnesses had to say about emergency powers before drafting legislation. The deadline for reporting is November 1, 2004.

Public hearings were held in Toronto in August and October as Members of the Committee were individually free to invite deputants to appear before the Committee, and they issued invitations, as did the Committee as a whole. All individuals and groups who sought to appear were invited as well.

Deputants included representatives from Ontario Ministries, emergency services workers, organizations, private citizens and representatives from out-of province emergency management organizations who spoke to the Committee by teleconference. In all, the Committee heard from 91 people and received 20 written submissions.

As we are approaching the deadline of November 1, 2004, it is the intention of the Committee to introduce a bill which will incorporate some of the results of the above mentioned deliberations. The draft legislation will be introduced in the House as a "Committee Bill" by the Acting Chair of the Committee. Committee Bills are introduced in the name of the Chair, who is the primary sponsor of the bill and the other Committee members who support the bill may have their names printed on the face of the bill as secondary sponsors. The Com-

mittee also intends to table a substantive report which will outline many suggestions heard by the Committee in the course of the hearings that it believes should be part of Ontario's emergency preparedness but were not incorporated in the draft statute.

The Standing Committee on General Government met towards the end of the summer recess to consider Bill 26, *An Act to Amend the Planning Act*. The purpose of the Bill is to change the criteria that must be met when any decision, comment, submission or advice is made or provided by a municipality, local board, planning board, the provincial government or a board, commission or agency of the provincial government that affects a land use planning matter. The Bill also increases the time period for making decisions before appeals may be made to the Ontario Municipal Board.

The Committee held one day of public hearings and one day of clause-by-clause consideration on the bill at Queen's Park in September.

Anne Stokes
Committee Clerk



Senate

The Speech from the Throne delivered by the Governor General in the Senate Chamber on October 5, 2004 signified the opening of the First Session of the Thirty-eighth

Parliament. The first weeks of this new session had none of the intensity of the final weeks of the previous session. The expectation of an election call during the Third Session of the Thirty-seventh Parliament strongly influenced the Senate's working pace. It forced the Government to move quickly to complete its legislative agenda and thrust the Senate into an immediate legislative workload. Such was not the case at the beginning of the Thirty-eighth Parliament. While the Senate waited to receive Government legislation from the House of Commons, its committees sought approval of budgets for special studies and attended to other matters.

Committees

The Senate gave several committees orders of reference to begin special studies while others were granted permission to continue special studies which had not been completed during the previous Parliament.

When the Social Affairs, Science and Technology Committee tabled its sixth report with final recommendations for reform and renewal of the Canadian health care system in October 2002, it was with the intention of continuing an examination of other health-related issues. On October 7, the Committee was given authority by the Senate to continue its work on mental health and mental illness, the first in a series of thematic reports that will be produced by the Committee.

The Transport and Communications Committee began its investigation into the impact of public policy on Canada's news media early in the Thirty-seventh Parliament but was not able to make its first interim report until the final days of the Third Session. On October 19, the Committee received permission to continue this important

work, the first media study undertaken by the Senate since the Special Committee on Mass Media reported in 1970.

Similarly, on October 19, the Senate approved the mandate referred to the Energy, the Environment and Natural Resources Committee to address issues first taken up in the spring of 2004. The Committee plans to present a succession of reports on different matters related to its terms of reference. On the same day, the Agriculture and Forestry Committee also received its authority to continue its study of agricultural issues. It was under this broad mandate that the committee examined issues related to bovine spongiform encephalopathy in Canada and tabled an interim report on April 15.

The terms of reference for the Banking, Trade and Commerce Committee which allow it to continue its inquiry into the present state of the domestic and international financial system were approved by the Senate on October 20. The Committee has already reported on a variety of topics including small business, investor confidence and bank mergers.

The National Security and Defence Committee will also continue its work on a series of studies investigating the security of Canadians. Its most recent report, tabled on March 30, examined the preparation for national emergencies. In this new session the Committee will focus on a review of the Department of National Defence. In addition, the Senate gave the Committee approval to resume its study of veterans' services and benefits.

The Human Rights Committee received authority on November 3 to begin two new studies and to continue work on another two. One of the new studies will be an examination of how the Public Service Com-

mission and the Government of Canada deal with cases of discrimination in the federal public service. The focus of the other will be on Canada's international obligations in regard to children's rights and freedoms. Final reports are expected in 2005. The Committee intends to conduct a follow-up to its report on the Organization of American States American Convention on Human Rights in which the Committee recommended that Canada take action to ratify the American Convention on Human Rights. With approval of the fourth order of reference authorized the Human Rights Committee will receive an update from the Minister of Indian and Northern Affairs on the implementation of the recommendations contained in its interim report on matrimonial real property on Indian reserves.

Since its creation in 2002, the Official Languages Committee has examined the application of the *Official Languages Act* and the activities of the main federal agencies responsible for official languages. On November 3 the Senate authorized the Committee to continue its study of the reports produced by the Minister Responsible for Official Languages as well as those by the Minister of Canadian Heritage and the Commissioner of Official Languages.

The Legal and Constitutional Affairs Committee will resume its review of the implications of including non-derogation clauses in legislation relating to aboriginal and treaty rights of the aboriginal peoples of Canada. Authority was granted by the Senate on November 3.

New orders of reference were given to the Fisheries and Oceans Committee and Aboriginal Peoples Committee. On October 28 the Fisheries and Oceans Committee was

mandated to undertake a study of issues relating to the Government's policy for managing Canada's fisheries and oceans. The Aboriginal Peoples Committee was authorized to consider the involvement of Aboriginal communities and businesses in economic development activities in Canada on November 4.

Motions

History was made on November 2 when the Senate adopted an amendment to the motion for an Address-in-Reply to the Speech from the Throne. Although amendments have been proposed in the Senate on a few occasions, the actual adoption of such an amendment was unprecedented.

On November 4, a motion was adopted designating the first week of November as National Pain Awareness Week.

Special Ceremony

For the past several years, a special service has been held in the Senate Chamber during Veterans' Week. On November 5 the Annual Ceremony of Remembrance paid tribute to Canada's veterans of the Italian Campaign during the Second World War which took place sixty years ago.

Milestones

Tributes were paid to two former Senators. **Jack Marshall** who championed for the rights of war veterans, died on August 17. **Calvin Ruck**, who died on October 19, worked to promote the rights of Blacks in Canada. A defender of francophone causes, Senator **Jean-Robert Gauthier**, retired on October 22 and Senator **Edward Lawson**, well known labour leader, retired on September 24. Both had

reached the mandatory retirement age of 75 years.

Mary Mussell
Journals Branch



Prince Edward Island

The First Session of the Sixty-second General Assembly was prorogued on November 2, 2004, after 47 sitting days. The House had adjourned to the call of the Speaker on May 20, 2004. It is unusual for the Legislative Assembly of Prince Edward Island to be prorogued during an adjournment period.

A total of seven private members bills, 12 government motions, and 13 motions other than government died on the Order Paper.

The Second Session of the Sixty-second General Assembly will open at 3 pm on November 18, 2004, with the reading of the Speech from the Throne by the Lieutenant-Governor, the Honourable J. Léonce Bernard.

Re-organization of Government Departments

On October 4, 2004, Premier **Pat Binns** announced the re-organization of two government departments. The forestry portfolio became part of the new Department of Energy, Environment and Forestry. The change streamlined departmental management for the Department of Agriculture, Fisheries and Aquaculture, formerly the Department of Agriculture,

Fisheries, Aquaculture and Forestry.

One further change was also announced. **Mildred A. Dover**, Minister of Education and former Speaker of the Legislative Assembly, has taken on the additional responsibilities of the Office of the Attorney General.

Committee Activity

The Standing Committee on Community Affairs and Economic Development, charged with undertaking a review of the *Freedom of Information and Protection of Privacy Act*, has completed the public consultation phase of its investigations into the legislation and has commenced consideration of its report to the Legislative Assembly.

A Special Committee on Climate Change was established by motion on May 20, 2004, to consult with Islanders and to develop recommendations on a climate change strategy for the province. The committee has solicited the views of residents of the province and continues its consideration of this matter. An interim report will be tabled in the upcoming fall sitting of the Legislative Assembly.

The Standing Committee on Public Accounts has held two meetings on the topic of equalization, including a discussion of principles, its impact on the finances of the province and current issues. The committee will table a report in the fall sitting.

Electoral Boundaries Commission Final Report

The Prince Edward Island Electoral Boundaries Commission released its final report on October 5, 2004, with recommended revisions to the area, boundaries and names of the 27 electoral districts in the province. The Commission began its work in January 2004 and conducted a total of 17 public meetings across the

province to hear from residents of Prince Edward Island.

The findings of the Commission reflect the fact of the growing urban population residing in the four municipalities of Summerside, Cornwall, Charlottetown and Stratford. The urban electorate now comprises 44.27% of the total number of 99,252 electors in the province. Accordingly, among its recommendations, Commission has advised that 44% or 12 of the province's electoral districts should be comprised of electors, the majority of whom reside within those municipalities.

Marian Johnston
Clerk Assistant and Clerk of
Committees



Yukon

The 2004 Fall Sitting of the Yukon Legislative Assembly began on October 21. As the Standing Orders stipulate that the Assembly shall sit a maximum of 60 days per year, and the Assembly sat for 30 days this spring, there will be a maximum of 30 sitting days this fall. Should the sitting go the maximum of 30 sitting days the 2004 Fall Sitting will end on December 14.

Eleven government bills were introduced during this Sitting. These bills were:

- Bill No. 11, *Fourth Appropriation Act, 2003-04*;
- Bill No. 12, *Second Appropriation Act, 2004-05*;
- Bill No. 46, *Act to Amend the Oil and Gas Act*;

- Bill No. 47, *Act to Amend the Financial Administration Act*;
- Bill No. 48, *Act to Amend the Elections Act*;
- Bill No. 49, *Act to Amend the Legal Profession Act*;
- Bill No. 50, *Act to Amend the Crime Prevention and Victim Services Trust Act*;
- Bill No. 51, *Act to Amend the Motor Vehicles Act*;
- Bill No. 52, *Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act*;
- Bill No. 53, *Act to Amend the Insurance Act*; and
- Bill No. 54, *Act to Amend the Income Tax Act*.

The Leader of the Official Opposition, **Todd Hardy** (Whitehorse Centre, NDP), also introduced three private members' bills. These bills are:

- Bill No. 105, *Act to Amend the Conflict of Interest (Members and Ministers) Act*;
- Bill No. 106, *Act to Amend the Financial Administration Act*; and
- Bill No. 107, *Democratic Reform Act*.

So far four government private members motions have been brought forward for debate. Three of the four passed the House with the support of all members who voted on them. Motion No. 332, standing in the name of **Dean Hassard** (Pelly-Nisutlin, Yukon Party), was debated on October 27. This motion urged the Government of Yukon to design and develop a license plate to honour Canada's military veterans. The motion passed on a vote of 15-0. On November 10 the Minister of Tourism and Culture, **Elaine Taylor** (Whitehorse West, Yukon Party) and the Minister of Community Services, **Glenn Hart** (Riverdale South, Yukon Party) unveiled the government's design for

such a plate and announced that it would be available early in 2005.

Two government private members motions passed the House on November 10. Motion No. 335, standing in the name of **Patrick Rouble** (Southern Lakes, Yukon Party) urged the Government of Canada to restore funding to the Committee on Abuse in Residential Schools Society, a local organization that offers support to victims of residential school abuse. The motion, as amended on motion of Mr. Hardy, passed the House on a vote of 14-0. Motion No. 333, standing in the name of Mr. Hassard, passed the House by a similar vote. This motion urged the Government of Canada to restore its funding to Skills Canada, a program designed to promote participation in the skilled trades.

The only government private members motion to not pass the House was Motion No. 328, standing in the name of **Brad Cathers** (Lake Laberge, Yukon Party). This motion urged the federal government to eliminate the Goods and Services Tax on heating fuel and electricity north of 60 in recognition of the higher costs associated with home heating in the north. While the opposition parties did not disagree with this they urged the Yukon government, in the form of an amendment, to also assist in this effort by eliminating the territorial tax on diesel fuel and gasoline. Government members did not support the amendment and it was defeated. Debate on the motion adjourned without a decision having been taken.

Electoral and Legislative Reform

Electoral reform has been an issue of regular debate in Yukon this year. In January 2004 the Yukon government appointed former MLA and Commissioner **Ken McKinnon** as

its senior advisor on electoral reform. So far the bulk of Mr. McKinnon's work has been focused on monitoring the electoral reform process in British Columbia. On July 30 he issued an interim report containing his observations about the BC experience and its applicability to Yukon. The Premier, **Denis Fentie** (Watson Lake, Yukon Party) tabled the report in the Legislative Assembly on October 25. Opposition members have questioned the depth and quality of the report. Mr. McKinnon's final report is due in February 2005.

On October 21 Premier Fentie introduced and received first reading for Bill No. 48, *Act to Amend the Elections Act*. The purpose of the bill is to give effect to recommendations made by the Chief Electoral Officer in a report tabled in the Legislative Assembly on November 13, 2003. The bill proposes six main changes to the current *Elections Act*. These changes would give all prisoners the right to vote; allow proxy voting for electors who do not have road access to polling stations or regular postal service; permit all electors to vote by special ballot; ensure better understanding and compliance with the election financing provisions of the act; improve some administrative procedures; and correct provisions of the *Legislative Assembly Act* and the *Education Act* which relate to the *Elections Act*.

Bill No. 48 was called for second reading on November 9. Opposition members reserved their support for the bill citing unanswered questions about some of its content (such as the disqualification of government employees from serving on an electoral boundaries commission) and concern about issues that they feel should have been addressed, but were not (such as problems one member identified with enumeration in his electoral dis-

trict). Nonetheless Bill No. 48 passed second reading on a vote of 7-5 and was referred to Committee of the Whole.

Committee of the Whole debate was enlivened by the appearance of the Chief Electoral Officers, **Patrick Michael**, and the Assistant Chief Electoral Officer, **Jo-Ann Waugh**, as witnesses. The appearance of experts changed the tone of discussion to one that was more technical than partisan. Nonetheless, Members did comment on the policy behind the bill. For example, the leader of the third party, **Pat Duncan** (Porter Creek South, Liberal), reiterated her view that some of the policy choices in the bill (such as allowing prisoners to be candidates in elections) had not received thorough public input. She also repeated her view that the bill not be proceeded with until such public input had been received. After an hour and 45 minutes in Committee of the Whole the bill was reported without amendment and now stands at third reading.

Bill No. 107 is the third element in this debate. This bill adds to the debate on electoral reform, but also broadens the debate to include the issue of 'Legislative Renewal.' The bill, if passed, would establish an electoral reform commission "for the purpose of conducting a public review of the method to be used to elect members of the Yukon Legislative Assembly." This includes the use of different types of balloting (such as the single transferable vote) and different methods of allocating seats to parties (such as proportional representation). These are issues that may also be addressed in Mr. McKinnon's final report.

The legislative renewal aspect of the bill advocates the appointment of a special committee of the Assembly to conduct "a public review of the legislation, rules and practices

that apply to the Yukon Legislative Assembly and its members." Among the areas of consideration proposed in the bill are the establishment of a *Code of Ethical Conduct for Members*, the creation of a *Legislative Indemnification Act* to address matters of compensation for Members, and changes to the *Standing Orders*.

Bill No. 107 is the only private members' bill to have been debated in the 2004 Fall Sitting so far. Second reading of the bill began on November 3. Those government members speaking to the bill appreciated the opportunity to discuss electoral and legislative reform but expressed a lack of enthusiasm for bill as presented. Debate adjourned on November 3 without a vote having been taken.

Floyd McCormick

Deputy Clerk
Yukon Legislative Assembly



British Columbia

The Legislative Assembly adjourned its autumn sitting on October 26, having sat for a 10-day period since October 4, 2004. The government explained that the abbreviated sitting, which was 4 weeks shorter than originally scheduled, was primarily intended to finalize legislative initiatives that had been introduced or implemented earlier this year. These included Bill 45, the *Community Living*

Authority Act, which was reported on in the previous issue.

During the brief fall sitting, 19 pieces of legislation were introduced and received Royal Assent. At the close of the session, a single private members' bill remained on the order paper: Bill M207, the *Election Act Amendment Act (An Act Limiting Government Advertising During Elections and By-Elections)*, which had been introduced by Leader of the Opposition, **Joy MacPhail** (Vancouver-Hastings), on October 20. Legislation

Among the first bills introduced this session, were Bill 58, *B.C. Rail Benefits (First Nations) Trust Act*, and Bill 59, *Northern Development Initiative Trust Act*. Minister of Transportation, **Kevin Falcon** (Surrey-Cloverdale) introduced these companion pieces of legislation on October 6. The two bills provide a framework for the anticipated economic benefits of the B.C. Rail - CN Investment Partnership, previously approved by the Legislature in December 2003.

The first bill establishes a \$15million B.C. Rail benefits trust to support targeted economic development, educational and cultural programs for up to 25 first nations with historic business relationships with B.C. Rail. During 2nd reading debate on Bill 58, Ms. MacPhail and Independent MLA **Paul Nettleton** (Prince George-Omineca) expressed their concerns about the government's consultation process with First Nations, particularly as some of the land affected by the B.C. Rail transaction could potentially be subject to future land claim negotiations. In his closing comments, Minister Falcon explained that nothing in the new Act would abrogate the constitutional or treaty rights of British Columbia's first nations. He also emphasized the significant financial opportunities to those com-

munities that wish to participate in the investment partnership.

The second bill, which also results from the B.C. Rail Investment Partnership, establishes a \$135-million Northern Development Initiative Trust. This government funding initiative is intended to give northern communities the funding and ability to pursue new opportunities for stimulating sustainable economic growth and job creation in their regions. The bill provides for an independent 13-member board of directors that will be appointed to oversee the distribution of the funds. During 2nd reading debate, Ms. MacPhail noted that although the Opposition supported providing northern communities with the requisite tools for economic development, it remained opposed to the source of these funds: the B.C. Rail Investment Partnership.

In closing debate, Minister Falcon described the Northern Development Initiative Trust, and the renewed B.C. Rail transportation network, as vital steps in the economic revitalization of northern British Columbia. He also acknowledged the support of Premier **Gordon Campbell** and the many Members of the government caucus who represent northern communities, who had whole-heartedly spoken in favour of the bill. Both Bill 58, *B.C. Rail Benefits (First Nations) Trust Act*, and Bill 59, *Northern Development Initiative Trust Act*, passed third reading and received Royal Assent on October 21.

Attorney General, **Geoff Plant** (Richmond-Steveston) introduced Bill 71, the *Safe Streets Act*, and Bill 72, the *Trespass Amendment Act, 2004*, on October 7. These two bills are significant in that they were first introduced as private members' bills by **Lorne Mayencourt** (Vancouver-Burrard) in May 2004. Al-

though the bills were relatively brief, they generated much discussion and attention—both inside and outside the Legislative Assembly.

Mr. Mayencourt was successful in seeing his private Members bills debated and passed at second reading stage. Then following adjournment of the spring sitting, he also saw the ideas debated and supported by a large majority of delegates at the annual Union of British Columbia Municipalities convention. Although Mr. Mayencourt withdrew his two private Member bills in October to make way for the two government bills, it is widely acknowledged that the latter are modeled on his legislative proposals.

The *Safe Streets Act* is essentially designed to give police forces in British Columbia a new tool to deal with aggressive panhandling. Key components of the bill make it an offence to solicit anyone in an aggressive manner, either verbally or physically. The bill also prohibits solicitation of either a person in a vehicle while they are stopped at a traffic light or stop sign, or of a captive audience whether at pay phones, automated banking machines, public toilets, or transit stops.

The *Trespass Amendment Act, 2004*, which addresses related issues, prohibits someone from remaining on private property after they have been asked to leave. It also allows prohibition of specified activities on private premises, such as skateboarding on a mall parking lot.

Although Opposition Member, **Jenny Kwan** (Vancouver-Mount Pleasant) agreed that society should not tolerate aggressive and abusive behaviour on the streets, she argued that the legislation was ineffectual. Her comments suggested that the government had failed to address

the root causes of poverty and other serious social problems. Ms. Kwan proposed that, instead of putting forward these bills, the government should fund more community policing programs aimed at improving street safety.

The *Trespass Amendment Act, 2004* received Royal Assent on October 21, and the *Safe Streets Act* received Royal Assent on the final day of the fall sitting, October 26.

On October 20, the Minister of Finance, **Gary Collins** (Vancouver Fairview) introduced the final government bill of the session, Bill 76, the *Social Service Tax Amendment Act (No. 2), 2004*. The immediate effect of this bill was to reduce the provincial sales tax from 7.5 per cent to 7 per cent, a tax policy change designed to benefit both BC businesses and consumers. The Minister commented that the tax reduction eliminated the half percentage point implemented in the 2002 budget, which had helped pay for nearly \$800 million in higher compensation costs for health professionals. This measure passed third reading on October 25, and received Royal Assent the following day.

Committee Activities

The all-party Select Standing Committee on Finance and Government Services, under the leadership of Committee Chair, **Bill Belsey** (North Coast), conducted its annual public consultations regarding the next provincial budget and future fiscal policy. Just prior to the start of this process, the government announced that improving economic conditions had generated a surplus of \$865 million this fiscal year, rising to \$905 million in both 2005/06 and 2006/07. This positive news generated much input to the Committee from British Columbians who offered their views on how to spend these surplus funds.

For the first time, the Committee supplemented its traditional consultation methods with an online submission option, made available through the Committee's web site. This medium provided direct access to an electronic questionnaire, consisting of four questions included in the government's *Budget 2005 Consultation Paper*. The online consultation option was heavily used and generated more than 1,300 responses. The level of participation set an all-time record for public input to any legislative committee in British Columbia and resulted in 19 recommendations addressing the key fiscal and budgetary priorities of British Columbians. Highlights of the Committee's report included support for the government's sound fiscal management and the call to target some funds to

people in need and to use part of the surplus to promote further economic growth.

The Special Committee on the Citizens' Assembly on Electoral Reform will meet in December to conclude their work in conjunction with the body tasked with reviewing British Columbia's electoral system. The Citizens' Assembly announced in October that their final report will recommend that the province adopt a Single Transferable Vote (STV) electoral system. This recommendation will be put to British Columbians in the form of a referendum question at the next provincial election, scheduled for May 17, 2005.

Four other Select Standing Committees (Crown Corporations, Education, Health and Public Accounts) continue to work this fall on a vari-

ety of issues. Updates on their efforts will be provided in our next legislative report.

Provincial By-election

A hard-fought by-election was held in the constituency of Surrey-Panorama Ridge on October 28, 2004 to fill the vacancy created by the resignation of **Gulzar Cheema** in May. The successful candidate, **Jagrup Brar** of the New Democratic Party of B.C., won the seat with 53.5 percent of the vote. Once Mr. Brar has taken his oath of office, the party standings in the House will be 74 BC Liberals, 3 NDP and 2 Independent Members.

Kate Ryan-Lloyd

Clerk Assistant and Committee Clerk

