
Legislative Reports



Quebec

In September 1995, the National Assembly held extraordinary sittings for the purpose of considering the following matters: the introduction of a bill respecting the future of Quebec; a motion by the Prime Minister proposing the text of a question to be the subject of a referendum, pursuant to sections 8 and 9 of the *Referendum Act*; a motion to fix the amount of the subsidy to be granted to each of the national committees, pursuant to section 40 of the *Referendum Act*; a motion for the adjournment of the Assembly to a date subsequent to that which is provided in the second paragraph of Standing Order 19 of the National Assembly; and, if need be, any measure to maintain the rights, privileges and prerogatives of the Assembly, to guard its proceedings against any form of interference and to ensure that the people of Quebec be able to express their opinion with regard to their future.

Bill 1, *An Act respecting the future of Quebec*, which passed the introductory stage, authorizes the National Assembly to proclaim the

sovereignty of Quebec and to give effect to the Declaration of sovereignty appearing in its Preamble, while also stating that this declaration must be preceded by a formal offer of economic and political partnership with Canada.

This bill also provides for the drafting of a new Quebec constitution which will impose upon the Government the obligation to protect Quebec culture and to ensure its development, while providing guarantees with regard to the rights of the English-speaking community and the aboriginal nations. It also furnishes specifics concerning the territory of a sovereign Quebec, Quebec citizenship, currency as well as Quebec's participation in treaties and international organizations and alliances.

The English version of the question that was the subject of the referendum on the future of Quebec held last October 30 is the following:

Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new Economic and Political Partnership, within the scope of the Bill respecting the future of Quebec and of the agreement signed on June 12, 1995?
Yes or No.

In the days following the referendum, after having announced his intention to leave the political scene shortly before Christmas, Prime Minister Jacques Parizeau, on 3 November 1995, proceeded to a partial reorganization of the Cabinet.

The Ministry of Finance and the Ministry of Revenue portfolios have been entrusted to Pauline Marois,

while the vice-chairman of the Treasury Board, Jacques Léonard, has been appointed to the position left vacant by Mrs. Marois as chairman of the Treasury Board. The former Minister of Finance, Jean Campeau, is now Minister of Transport, and the Ministry of Immigration and Cultural Communities portfolio has been added to those of the Minister of Employment and Minister of State for Concerted Action, Louise Harel. Richard Le Hir resigned as Minister for Restructuring.

As for the administrative changes that have taken place, the Assistant Secretary of the Assembly Gérard Laliberté, who was also Director of the Secretariat of the National Assembly, was appointed Director of Parliamentary Procedure Research Branch, effective 1 November 1995. The interim director of the Secretariat of the Assembly is the Director General of Parliamentary and Legislative Affairs, René Chrétien.

The Assembly resumed its proceedings on 28 November 1995. Meanwhile, the Secretariat of the Assembly has just recently published its *Statistics of the Assembly* for the entire 34th Legislature, from 28 November, 1989 to 17 June, 1994.

Nancy Ford
National Assembly Secretariat
(Translated by Sylvia Ford)

Committee Activity

Over the last quarter, there were fewer committee activities than

usual because of the referendum period. Only the Committee on Agriculture, Fisheries and Food held public hearings on the draft legislation on the protection and sustainable development of agricultural activities, commonly known as the "right to produce".

Early in the summer, **Roger Bertrand**, Speaker of the National Assembly, released the report of a task force that assessed the activities of parliamentary committees ten years after the committees had been radically modified by the 1984 parliamentary reform.

Entitled *Parliamentary Reform: Ten Years Later*, the 195-page document is the culmination of research that took more than a year to complete and includes input from staff in the Committees Secretariat and the Research Service of the Assembly Library.

With reference to the objectives set in 1984, the report attempts to establish the degree of initiative and autonomy shown by the committees in implementing their new powers. Using statistical measurements of committee activities, conducting surveys of parliamentarians, journalists from the Press Gallery and groups who have testified frequently before committees, and making comparative analyses with what is done in Ottawa and in Ontario, the task force formulated a series of thought-provoking observations.

In light of the findings, the task force has arrived at the same conclusion held by many members and observers of parliamentary affairs: the reform has not attained its objectives.

This conclusion is based primarily on the fact that the committees have made little use of their new powers of initiative. According to the authors of the report, the reform has not had the desired effect of reducing the control exercised by po-

litical parties and the executive branch over committee activities.

In its recommendations, the task force proposes the striking of an advisory committee instructed to bring committee operations into line with the objectives of the reform which, it feels, are still valid.

The task force recommends that the committee look especially into reducing the number of ministers in committee, increased accountability of committee chairs and changing some of the rules that prevent the committees from using their powers of initiative.

In providing a description of committee operations ten years after the reform, the report is an important component of the review of work in committee which, after all, represents more than two-thirds of members' parliamentary activities.

Doris Arsenault
Co-ordinator

LEGISLATIVE ASSEMBLY



Saskatchewan

The Saskatchewan Legislative Assembly hosted a delegation of six South Africans from October 20-26 as part of the larger South Africa - Canada Legislative Cooperation Program. The program involved nine South African and four Canadian legislatures and the federal parliament. During their stay in Regina, the delegates from

KwaZulu/Natal and Free State received briefings from each of the branches of the Legislative Assembly Office, the Legislative Library, the Executive Council, in addition to a panel discussion with the Provincial Auditor, the Ombudsman, the Child Advocate, the Conflict of Interest Commissioner and the Access to Information Officer. The delegates also had the opportunity to drive through the Qu'Appelle Valley, tour a typical grain farm, and the RCMP Museum. Had their stay been extended by three days, their desire to see snow would have been realized.

The McDowell Committee investigating MLA compensation (salaries and allowances) has delivered its second report to the Board of Internal Economy. The Board is presently considering the recommendations and is expected to address the matter at its next meeting.

Resignations and Appointments

Deputy Premier **Ed Tchorzewski** resigned from cabinet on November 8, citing personal and family reasons. He will continue to sit in the Legislature as a backbencher.

Premier **Roy Romanow** announced an extensive reorganization of his cabinet on November 22 and indicated that his government would continue to focus on jobs, economic growth, sound fiscal management and the redesign of social programs. Five new ministers were appointed, including **Eric Upshall** (Agriculture and Food), **Eric Cline** (Health), **Lorne Scott** (Environment and Resource Management), **John Nilson** (Justice and Attorney General), and **Clay Serby** (Saskatchewan Property Management Corp. and Liquor and Gaming Authority). **Carol Teichrob**, Education Minister from 1991 to 1993, rejoined cabinet as the Minister responsible for Mu-

nicipal Government. **Dwain Lingenfelter** added the Deputy Premiership to his responsibilities while **Lorne Calvert** moved to Social Services and **Bob Mitchell** assumed the Post-Secondary Education and Skills Training portfolio. **Bernie Wiens** took over responsibility for the Crown Investments Corporation from **Ned Shillington**, who in turn was made Provincial Secretary, Government House Leader and Intergovernmental Relations Minister.

On November 12, the Leader of the Official Opposition, **Lynda Haverstock**, resigned her position as Leader of the Saskatchewan Liberal Party during their annual convention in Regina. She subsequently announced that she would no longer be a member of the Liberal caucus and that she would sit in the Legislature as an Independent Liberal. **Ron Osika**, newly elected in June for the constituency of Melville, has been appointed interim leader.

Margaret A. Woods
Clerk Assistant



Manitoba

The First Session of the Thirty-sixth Legislature resumed on September 18 and completed its business on November 3. This latter

part of the Session was mainly occupied with debate on Second Reading of Bills and consideration of Bills and Annual Reports in Committee. For the Session as a whole, a total of 43 public bills were introduced. Thirty-five of these were Government bills which all received Royal Assent. The remainder were Private Members' bills of which only three reached the stage of Second Reading. Although not a significantly large legislative agenda, there were a number of bills which created a good deal of debate in the House and at the Committee stage.

The bill which generated the greatest interest and debate, even beyond the borders of Manitoba, was Bill 2 - *The Balanced Budget, Debt Repayment and Taxpayer Protection and Consequential Amendments Act*. There are three main components of the Bill. The first is the requirement that the Manitoba Government balance its budget every year, considering both current and capital spending. If a deficit is incurred, there is a penalty for all members of Cabinet of a 20 per cent cut in salary in the first year of a deficit and a 40 per cent cut in the second year.

The second component is the plan to retire the provincial debt. The legislation establishes a debt retirement fund into which a minimum amount of money will be put each year. At least every five years, the monies in the fund are to be applied against the debt. The formula for the debt retirement is set so as to retire Manitoba's debt in thirty years. The third component of the bill requires a Manitoba Government to hold a referendum if it is considering raising income, sales or payroll taxes.

The legislation represents a significant component of the Filmon Government's third mandate. It is recognized by the Government as a major policy tool to keep the debt under control, preserve and enhance Manitoba's economic future

and maintain funding for essential provincial services. In the Official Opposition's view, this legislation is seen as a tool that will hinder future governments of Manitoba in their flexibility to govern as economic and social circumstances may require. The Opposition is concerned that with a legislative requirement to balance a budget, a government may choose to cut in spending areas that the Opposition believe are already suffering, such as health and education, rather than incur a deficit for a year.

Two other bills which generated considerable debate were Bill 5 - *The Education Administration Amendment Act* and Bill 6 - *The Public Schools Amendment Act*. The Government's main objectives with Bill 5 are first, to establish councils, made up of parents and representatives of the community, to provide advice to principals on the running of a school, and second, to authorize teachers to suspend "disruptive students" from the classroom.

The Official Opposition was concerned with Bill 5 because they believed that the establishment of the advisory councils, in terms of their formation, composition and mandate, would come from the Minister's office and not from each school or community. As for teachers suspending students from a classroom, the Official Opposition also believed that the direction or guidelines for doing so would be determined at the Ministerial level.

Bill 6 will give principals or persons authorized by the school board, the authority to remove persons on the school property who are considered a threat to students and/or the school. As well, the principal, or persons authorized by the school board, are given the power to require the assistance of a peace officer. If an individual is found guilty of trespassing or selling unauthor-

ized goods on school property, the bill provides for a maximum fine of \$5,000 and \$1,000, respectively. During debate on second reading of Bill 6, the Official Opposition expressed their concerns with the bill in terms of principals receiving ever-increasing responsibilities beyond their original mandate, that there is no mechanism for an appeal process in the bill and that the bill, overall, is too punitive.

One bill that is of international interest and received all-party support was Bill 19 – *The Intercountry Adoption (Hague Convention) and Consequential Amendments Act*. The Hague Convention sets out a system of co-operation among states involved in intercountry adoption that protects the rights of children as well as the rights of both birth and adoptive parents. The passage of this bill is essentially Manitoba's ratification of the Hague Convention and therefore the adoption of it into Manitoba law. Manitoba's adoption laws continue to apply but the Convention would now prevail if there was any conflict between the two.

Committee Activity

In total, there were twenty-six meetings of Standing Committees held over the entirety of this Session. Ten of these meetings dealt with Annual Reports – those of different Crown Corporations, the Provincial Auditor's Report and Public Accounts. The remainder of the meetings dealt with legislation. As is the tradition in Manitoba, when bills are referred to Standing Committees of the House, public representation may be made to a bill at the committee stage. There were public presentations made to a number of the bills this Session, with Bill 2 generating the greatest public input totalling eighteen oral presentations and two written submissions.

Procedural

There were a number of procedural matters which arose during the Fall sitting of the House. There were four matters of urgent public importance raised in these thirty-two days, all of which were ruled out of order. However, one was debated due to a willingness of the House to do so. A matter of privilege was raised by the NDP Health Critic, **Dave Chomiak**, calling for the Minister of Health to be censured for having allegedly misled the House. Mr. Chomiak stated that he and his colleagues had asked the Minister repeatedly, during Question Period, about the closure of emergency wards and were not given an answer. However, the Minister allegedly made this information available to the media immediately after Question Period. Speaker **Louise Dacquay** ruled that the Member may have had a grievance but that there was no basis for a breach of privilege as the failure of a Minister to answer a Member's question as well as statements made outside the House by a Member, cannot be the basis for a matter of privilege.

Near the end of the Session, Speaker Dacquay brought down a ruling on the use of the word "racist". In October, **Oscar Lathlin** (NDP - The Pas) asked a question of the Minister of Natural Resources about whether or not certain fishing practices in Manitoba were "discriminatory or racist". The Speaker asked Mr. Lathlin to withdraw the word "racist" as she had ruled previously against the use of the word. (This had occurred in the earlier part of the sitting, in June 1995, when Mr. Lathlin and the Premier were asked to withdraw their respective use of the word "racist" that they each had used in a debate. Both Members did so.) The Opposition House Leader, **Steve Ashton** (NDP - Thompson)

raised a point of order about the ability of members to describe policies as "racist" but not use the word against an individual. After receiving advice from other Members on the matter, the Speaker took it under advisement. She returned to the House with a ruling on November 1st and reiterated that she found the use of the word "racist" unacceptable and it would be ruled out of order unless it was used to describe governments or policies outside of Manitoba. The ruling was challenged by the Official Opposition and sustained on a recorded vote. Mr. Lathlin was then asked to withdraw the word. Stating that he could not accept the Speaker's ruling, he declined to withdraw it. After being asked three times to do so, the Speaker named Mr. Lathlin, whereupon the Government House Leader moved a motion to suspend him from the House for the remainder of that day's sitting. The motion passed on a recorded vote. Following this, the Opposition House Leader raised a matter of privilege stating that freedom of speech in the Manitoba Legislature had been brought in to question and that the matter should be referred to the Standing Committee on Privileges and Elections. After hearing from other Members on the matter, Speaker Dacquay took it under advisement.

The following sitting day, the Leader of the Opposition, rose on a matter of privilege concerning the Speaker's ruling on "racist" and moved a motion of non-confidence against the Speaker. After some debate on the motion, it was defeated on a recorded vote.

Judy White
Clerk Assistant

Manitoba Legislative Assembly



Alberta

The first day of the fall session saw a new record set in the area of Tablings - 78 in total.

On the same day, the Government announced a new Standing Policy Committee on Health Restructuring chaired by Dr. Lyle Oberg, Member for Bow Valley. Other Standing Policy Committees include: Natural Resources and Sustainable Development, Community Services, Financial Planning, and Agriculture and Rural Development.

In the area of Private Members' Public Bills, the 1993 changes to the Standing Orders which now make it possible for such Bills to become law has led to greater scrutiny of these items by the Assembly than had been the practice in the past. These revisions also established deadlines by which the questions to conclude debate must be put at each stage. In recognition of this new reality, the Speaker provided advice which would allow a Member to defer debate of his or her Bill at second reading to permit further consultation. Under Standing Order 41(c), a Member could move that consideration of the Bill be postponed until a certain date or the first Private Member's Day after the date certain. If the motion is carried, the Bill would reappear for consideration on the specified date.

The House adjourned on November 1st, the shortest fall session of the 23rd Legislature. Six Government Bills, two Private Member's Public Bills and one Private Bill received Royal Assent. A total of 296 documents were tabled in the 12-day session, and 90 petitions were also presented dealing with a number of issues.

Moses K. Jung
Executive Assistant to the Speaker

House of Commons



The fall sittings were marked in particular by the holding of the referendum on Quebec sovereignty. Exchanges were heated and caused several MPs to rise on points of order. Other facts and events were noteworthy as well.

Procedure

The Speaker intervened on several occasions concerning buttons with slogans being worn, and the other objects being shown, in the House. In a recorded vote on June 22, 1995, the Speaker even asked the Reform Party MPs to remove buttons they were wearing.

The importance of the issues discussed in the House led the Speaker to try to moderate the intensity of exchanges during oral Question Period. In his intervention on September 21, 1995 summarizing his overall position, the Speaker

stressed that MPs must "formulate the questions so that they are strictly relevant to the administrative responsibilities of the government,... are not based on hypotheses, and respect the dignity of this Chamber in the choice of vocabulary".

There was a rare occurrence on October 19, 1995: the quorum required for the House to continue to sit was not maintained. Pursuant to the *Standing Orders*, the names of the MPs present were recorded in the *Journals* of the House. Quorum is 20 MPs.

In response to a point of order raised by Bill Blaikie (Winnipeg Transcona, NDP) stating that a Report by the Auditor General contained biased statements that overstepped the legal and customary boundaries of the Auditor General's duties, the Speaker ruled on October 25, 1995 that it was not the Speaker's responsibility to determine whether what was contained in the Report met the criteria of the legislation governing the Auditor General.

On November 2, 1995, the Speaker named two MPs, Gilles Duceppe (Laurier—Sainte-Marie, BQ) and Michel Bellehumeur (Berthier—Montcalm, BQ) withdrew from the House for the remainder of the day's sitting. The Speaker had previously asked them to withdraw unparliamentary remarks.

Committees

On September 18, 1995, the House adopted the new list of members of House Committees.

On November 10, 1995, the House adopted the 98th Report by the Standing Committee on Procedure and House of Affairs, concerning Canada's national anthem. In future, immediately after prayers on Wednesday, the Speaker will give

the floor to an MP, who will sing the national anthem.

A Special Joint Committee on a Code of Ethics was struck and began hearings. Its mandate is to develop a code of ethics aimed at helping Senators and MPs reconcile their official responsibilities with their personal interests, including their relations with lobbyists. The Committee is to table its Report no later than March 29, 1996.

A new procedure allowing the House to refer a bill to a Committee before second reading was used again during the consideration of Bill C-84, *An Act to provide for the review, registration, publication and parliamentary scrutiny of regulations and other documents and to make consequential and related amendments to other Acts*, and Bill C-101, *An Act to continue the National Transportation Agency as the Canadian Transportation Agency*.

Private Members' Business

A motion by Paul Szabo asking the government to consider using various means to eliminate the underground economy was adopted, as was a motion by Sarkis Assadourian proposing to the government that the second Sunday in September of each year be designated "Grandparents' Day".

Debate also took place on motions concerning reinstatement of the death penalty (M-431, Ted White (North Vancouver)) and reform of the Senate Chamber (M-439, Daphne Jennings). Both motions were dropped from the Order Paper without a vote being held.

Other Matters

The Speaker announced that a vacancy in the House had occurred in the constituency of Labrador, a seat held by William Rompkey, who had been appointed to the Senate. As a result of this change, the party

standings are now as follows: Liberal 176; BQ, 53, Reform 52, NDP 9, PC 2 and vacancy 1.

The Board of Internal Economy agreed that House publications would gradually be made available on the Internet by December 1995.

In mid-October 1995, the NDP chose a new leader, Alexa McDonough. She succeeds Audrey McLaughlin, to whom MPs paid tribute on October 16, 1995.

On November 1, 1995, the Leader of the Official Opposition Lucien Bouchard, and the Prime Minister paid tribute to Jacques Parizeau, the Premier of Quebec, who had announced his resignation the previous day.

André Gagnon
Procedural Clerk
Table Research Branch



British Columbia

With the House in a period of adjournment this fall, attention has been focussed on extra-parliamentary political matters. The most significant of these is the announcement by Premier Mike Harcourt of his intention to resign as leader of the New Democratic Party. His announcement has triggered a leadership race that will culminate

in a convention in February of next year.

The Premier's resignation caught many by surprise. Though the NDP had been facing ongoing controversy over the diversion of charity funds by the Nanaimo Commonwealth Holding Society, a group with links to the NDP, Mr. Harcourt had repeatedly expressed his intention of remaining Premier. In his short statement, the Premier suggested that he had become convinced that the party would have a greater chance of winning the next provincial election under a new leader. He personally had faced criticism over his handling of the scandal — although there has been no suggestion that he personally profited from the alleged improprieties, critics maintained that he had not taken the necessary steps to hold party officials accountable for their actions.

The recently released report by Judge Thomas Gove respecting the province's child protection services has painted a grim picture of inadequacies in the system. The Gove Commission was appointed to investigate the death of a young boy, Mathew Vaudreuil, at the hands of his mother; though social services workers were aware of repeated abuses, he was never removed from the home. The Social Services Minister, Joy MacPhail, has committed the government to responding quickly to the 118 recommendations in the report. Among them, Judge Gove advocates establishing a separate Ministry of Children and Youth and the appointment of a transition officer from outside the ministry to supervise the necessary changes to the child protection services.

Committee Activity

Legislative committee activity continues this fall, with three committees continuing their work. The

Public Accounts Committee is examining public sector accountability issues raised in the joint report of the Auditor General and the Deputy Ministers' Council entitled *Enhancing Accountability for Performance in the British Columbia Public Sector*. Meetings have been held to receive comment and opinion from interested parties on the content of the report.

The Select Standing Committee on Forests, Energy, Mines and Petroleum Resources continues its examination of the 1995/96 business plan of Forest Renewal BC, a Crown agency established to oversee changes in the province's forest sector. The Special Committee to Appoint a Chief Electoral Officer has been meeting to establish a short-list for interviews for the position of C.E.O. for the province. Its unanimous recommendation must be approved by the Assembly, which likely will not meet before March of next year.

The chief of the Esquimalt Indian Band has issued a statement claiming that British Columbia's legislative buildings have been constructed on land taken from the band. At issue is the reclamation of a number of native village sites in the area by order-in-council and legislation in the 1850s, for which area natives were reimbursed in blankets. Though legal, the unilateral nature of the reclamations has been targeted as unfair by the band. It intends to seek specific compensation for the lands as part of treaty talks with the provincial government.

Neil Reimer
Assistant Committee Clerk

SENATE



The focus of much of Senate's attention this autumn concerned the progress of several legislative initiatives of the Government. The foremost of these was Bill C-68, the contentious bill on gun control. The bill had received second reading on June 22 and, following extensive hearings by the Legal and Constitutional Affairs Committee, was still in committee when the Senate resumed sitting for the fall term in early October. On October 18, the Government House Leader, Senator **Joyce Fairbairn**, moved a motion to oblige the committee to report the bill by November 7. This motion was successfully amended by the Opposition Leader, Senator **John Lynch-Staunton**, who proposed that the committee report the bill November 20 and that all questions to dispose of the bill be put at 5:30, November 22.

The Committee's report, duly presented November 20 by the Committee Chairman, Senator **Gerald Beaudoin**, recommended fourteen different amendments which seriously modified the intent of the bill as originally conceived by the Government. With the outcome of the vote in some doubt, the Senate was closely watched by the media. The Senators responded to the attention and to the importance of the bill by engaging in a spirited and dramatic debate that did not always

respect party lines. In the end, the vote was not nearly as close as had been anticipated. An amendment to the report, moved by Senator **Herbert Sparrow**, was defeated by a vote of 57 to 41 with one abstention. The report itself was defeated by a vote of 53 to 46 and the bill received third reading and was passed by a vote of 64 to 28 with 7 abstentions.

A much closer vote took place with respect to a Government attempt to conclude consideration of Bill C-69, dealing with electoral boundaries readjustment. The bill had been passed by the Senate with amendments in early June. Before the summer adjournment, however, the House of Commons had sent a message to the Senate indicating that it was opposed to most of the Senate's amendments. This message together with a motion stating that the Senate would not insist on these amendments was then referred to the Legal and Constitutional Affairs Committee. On November 2, when it appeared to the Government that the committee was not acting on this order of reference, the Government Leader moved a motion to fix a reporting date. The motion was defeated in a recorded division on November 21 by a vote of 50 to 48. Another attempt to move a motion requiring the committee to report was made on November 29 by Senator **Sharon Carstairs**, but it was ruled out of order the next day by the Speaker who noted certain procedural difficulties with it.

In addition to Bill C-68, the Senate passed other legislation, though none were nearly as contentious. Among these bills were measures related to tax conventions, cultural property export and import amendments, enforcement provisions affecting various agricultural products and associated acts, DNA testing and changes to the *Explosives Act*.

Committees:

Like the full Senate, its committees have spent some considerable time on legislation this fall. Aside from the work of the Legal and Constitutional Affairs Committee on Bill C-68 and Bill C-69, other committees have presented reports of their deliberations on bills already passed by the House of Commons.

The Committee on Social Affairs, Science and Technology reported Bill C-64 with respect to employment equity with amendments which would have the effect of including the Senate, House of Commons and Library of Parliament in its provisions. During debate on the report on November 30, the Senate agreed to refer the report back to committee for further consideration.

On October 3, the Committee on Foreign Affairs tabled an interim report on hemispheric trade relations entitled "Free Trade in the Americas". The report summarized changes in Latin American economic policies over the last decade; examined regional and sub-regional economic integration efforts; outlined plans for a hemispheric free trade area; and studied Canadian trade policies affecting the Commonwealth Caribbean and Cuba.

The Banking, Trade and Commerce Committee delivered an interim report on its examination of Financial Institutions, also on October 3. While the Committee will not issue a full report until Spring, the report summarized evidence to date and recommended the Government

take action to review the economic burden of the various regulatory levels governing the industry; that the direct interests of policy holders and depositors be taken into account in future legislation and regulations; and that the privacy and security of customer information be examined.

Speaker's rulings:

On October 5, a question of privilege was raised by Senator Anne Cools who complained about the comments of a committee witness reported in the *Edmonton Sun*. In a ruling delivered November 7, the Speaker determined that the Senate should not invoke privilege in cases such as this where no evidence has been presented suggesting that Senators had been prevented from carrying out their functions as a consequence of the comments. In the view of the Speaker, the complaint of the Senator had not established a *prima facie* case.

Senator Cools was involved in two other rulings pronounced by the Speaker during the period under review. The first to arise, but the second to be decided, came as a result of the Senator's attempt to move second reading of Bill S-11 seeking to impose a life sentence on Karla Homolka. On October 19, as debate on second reading was about to commence, Senator Noel Kinsella raised a point of order objecting to the further consideration of the bill. In his view, Bill S-11 was akin to a "bill of attainder" or a "bill of pains and penalties" neither of which are recognized in Canada's parliamen-

tary procedures or practices. The Speaker ruled on the question on November 28. Guided by a precedent of the House of Commons made by its Speaker in 1984, the Senate Speaker decided that the objection was well founded and ordered the motion for second reading of Bill S-11 to be discharged.

The second ruling was given as a consequence of a question of privilege raised by Senator Cools on November 6, when the Senator protested the legitimacy of Senator Kinsella's point of order and the authority of the Chair to rule on it. In his ruling of November 23, the Speaker found that there was no *prima facie* breach of privilege and that the Speaker's authority to rule on points of order is established by practice and the rules of the Senate.

Other Matters

In October, the Speaker, accompanied by the Clerk, led a small delegation to a conference of Presiding Officers of French-speaking Parliaments in Paris. From there, the Speaker travelled to Bucharest, St. Petersburg and Moscow. The Russian portion of the trip was part of the ongoing Canada-Russia Parliamentary Exchange. While in Moscow, the Speaker was invited to address the Federation Council while the Clerk had the opportunity to speak to a gathering of its senior management.

**Charles Robert and
Blair Armitage**
Committee and Private Legislation
Directorate