



Legislative Reports



Manitoba

The Manitoba Legislative Assembly did not sit during the November to January time period, however matters of interest to legislators continued to receive public attention.

Electoral Division Boundaries Commission

The Manitoba Electoral Divisions Boundaries Commission released its final report in December. The Commission, comprised of Chief Justice **Richard Scott**, University of Manitoba President **Emőke Szathmáry** and Chief Electoral Officer **Richard Balasko**, had released a preliminary report in July, and followed up release of the preliminary report with public hearings. Hearings were held in the communities of Thompson, The Pas, Portage la Prairie, Steinbach, Dauphin, Brandon, and Winnipeg. The Commission heard a total of 61 presentations, and received 140 written submissions from groups and individuals who did not appear before the Commission.

In the final report, the Commission recommended that the number of ridings remain the same at 57, and that the urban and rural split of seats remain at 31 and 26 respectively. However, the boundaries of many of the ridings have been changed, to reflect a decade of population shift within the Province. Included in the recommendations is the disappearance of several ridings and the creation of new ones, as well as some riding name changes. To come into effect, the new electoral division boundaries will require passage of pertinent legislation by the Legislature. Once the electoral division boundaries are enacted into law, they will come into effect for the first general election following the enactment.

Children's Advocate

As a result of *Bill 4 - The Child and Family Services Amendment and Consequential Amendments Act*, which was passed during the last legislative session, the position of Children's Advocate will be moved from the auspices of the Department of Family Services to become an officer of the Legislative Assembly. The Children's Advocate will report directly to the Legislative Assembly, and the Standing Committee on Privileges and Elections will have the authority to refer matters to the Children's Advocate for review, report and investigation. A Sub-Committee of the Standing Committee on Privileges and Elections has been conducting the hiring process for the Children's Advocate position, and an appointment is an-

anticipated during the early months of 1999.

Cabinet Shuffle

On February 5, the Manitoba cabinet was shuffled. Two Ministers, **James Downey** and **Glen Findlay**, who had previously announced intentions to not seek re-election, were moved out of cabinet positions and were thanked by the Premier for their commitment and hard work during their tenure in cabinet. In addition, two new Ministers were sworn into cabinet, while 6 Ministers were assigned to new portfolios.

Joining the Manitoba cabinet are **Shirley Render**, who becomes the Minister of Consumer and Corporate Affairs, and **Mervin Tweed**, who is the new Minister of Industry, Trade and Tourism. Assuming new areas of responsibility within the Manitoba cabinet are: **James McCrae**, who moves from Environment and the role of Government House Leader to the portfolio of Education and Training; **Harold Gilleshammer**, the new Minister of Finance who previously served as the Minister of Labour; **Darren Praznik**, who moves from Health to become the Minister of Highways and Transportation and the new Government House Leader; **Eric Stefanson**, who takes on the mantle of Minister of Health and Deputy Premier after serving as the Minister of Finance; **Linda McIntosh**, who moves from Education and Training to become the Minister of the Environment; and **Michael**

Radcliffe, who becomes the Minister of Labour, and who relinquishes the portfolio of Minister of Consumer and Corporate Affairs.

Members Not Seeking Re-Election

Several Members of the Legislative Assembly have announced their intentions to not seek re-election during the next provincial general election. **Gary Kowalski**, who was first elected in a 1993 by-election and re-elected in 1995 to represent The Maples constituency, has announced that he will not run again, and will return to active duty at the City of Winnipeg Police Services. Deputy Premier **Jim Downey**, who has represented the Arthur-Virden constituency since 1977, has also indicated that he will not seek re-election. Mr. Downey was the Minister of Agriculture during the Sterling Lyon government from 1977 to 1981. More recently he has served in the Manitoba cabinet since 1988, holding a variety of positions including Minister of Northern and Native Affairs, Minister Responsible for Seniors, Minister Responsible for Rural Development, Minister of Energy and Mines, and has been Minister of Industry, Trade and Tourism since 1993. Minister of Highways and Transportation **Glen Findlay** has similarly announced that he too, will not be running again. Findlay, who was first elected in 1986, was re-elected in 1988, 1990 and 1995. He previously served as Minister of Agriculture and Minister responsible for the Manitoba Telephone System.

New Lieutenant-Governor

Peter Liba has been named as the next Lieutenant Governor for the province. A former journalist and broadcaster, he had most recently served as an executive with CanWest Global Communications.



Hon. Peter Liba

He replaces **Yvon Dumont**, who has served as Lieutenant Governor since 1993. It is anticipated that Mr. Liba will be sworn in and commence his new duties in March.

Patricia Chaychuk
Clerk Assistant



Saskatchewan

Saskatchewan legislators unexpectedly found themselves back at their desks in the Chamber on Monday, October 19th to deal with

back-to-work legislation. The session had been recalled the previous Friday when the government decided to introduce legislation to end a labour dispute between SaskPower (the provincial electrical utility) and its major union. Among those caught by the short notice were Speaker **Glenn Hagel** and the Clerk, **Gwenn Ronyk**, who had already departed for New Zealand and the 44th CPA Conference in Wellington.

The legislation was passed early Monday evening despite the presence in the galleries and elsewhere in the legislative building of thousands of SaskPower union workers. Apart from frequent interruptions from coughing and the clearing of throats, Deputy Speaker **Dale Flavel** maintained order in the chamber and ensured that the rally on the front steps passed peacefully.

The House sat for a further four days as the opposition successfully prolonged the debate on the motion adjourning the session. A resolution on the farm crisis was passed but little else was accomplished. Procedural maneuvering became the order of the day as both sides of the house were determined to demonstrate their forte at controlling the Assembly's agenda.

Committee Activity

The Crown Corporations Committee's eight month investigation into the Channel Lake Petroleum affair finally drew to a close on November 23rd when its chair, **Pat Lorje** (Saskatoon Southeast) released its final report. Pursuant to a special order of the Assembly passed last summer, the committee was permitted to table its report interessionally by delivering the report to the Clerk of the Assembly whereupon it was deemed to have been tabled in the Assembly.

Social Sciences Teachers' Institute on Parliamentary Democracy

The inaugural Social Sciences Teachers' Institute on Parliamentary Democracy will be held this spring at the legislature. The Saskatchewan institute is based upon the federal Teachers' Institute on Canadian Parliamentary Democracy, which was launched in 1996. The goal of the institute is to grant social sciences teachers a first-hand perspective of the provincial legislature, its operations, the players involved and to then contrast this with how it is portrayed in the media and taught in their schools.

Speaker Hagel intends the institute to be an extension of his Parliamentary Outreach Program, which to date has included visits to schools around the province. Twenty-four teachers will participate in the first institute from April 18th to 21st.

Membership Changes

The period leading up to the final year of a mandate often bears witness to changes in membership and caucus roles and Saskatchewan was no exception. First **Buckley Belanger** (Athabasca) announced on September 1st his intention to leave the Liberal Party and cross the floor to join the governing NDP. Mr. Belanger's move was delayed while he sought a new mandate from his constituents in a byelection called for October 26th. His victory set a new precedent with a majority of 94% endorsing his move.

On September 21st, Premier **Roy Romanow** (Saskatoon Riversdale) shuffled his cabinet to fill two vacancies caused by the earlier resignations from cabinet of **Lorne Calvert** (Moose Jaw Wakamow) and **Bob Mitchell** (Saskatoon Fairview). They were replaced by **Doreen Hamilton** (Regina Wascana Plains), **Harry Van Mulligen** (Re-

gina Victoria) and **Judy Junor** (Saskatoon Eastview). While being a rookie member of the Assembly due to her recent success in a byelection, Ms. Junor can draw upon her previous experience as past-president of the Saskatchewan Union of Nurses in her new role as Associate Minister of Health. Ms. Hamilton assumes responsibility for the Saskatchewan Property Management Corporation and the Public Service Commission while Mr. Van Mulligen tackles reform of the welfare system and poverty in his new role as Social Services Minister and the added portfolio of Seniors and Disabilities Directorate. As a former Deputy Speaker, he will already be familiar with many of his new responsibilities as the Deputy Government House Leader.

Six Ministers also received new assignments, with **Pat Atkinson** (Saskatoon Nutana) and **Clay Serby** (Yorkton) switching responsibilities and respectfully taking the Health and Education portfolios. **Berny Wiens** (Rosetown-biggar) became Provincial Secretary while remaining the Intergovernmental and Indian Affairs Minister. Government House Leader **Janice Mackinnon** (Saskatoon Idylwyld) adds responsibility for the Information Highway to her Economic and Co-operative Development duties while **Joanne Crofford** (Regina Centre) becomes the new Labour Minister. Finally **Maynard Sonntag** (Meadow Lake) takes on the Post-Secondary Education and Skills Training.

On November 26th, the independent liberal MLA for Humboldt, **Arlene Jule**, announced that she was joining the Saskatchewan Party. In contrast to the route followed two months earlier by Mr. Belanger but in keeping with the precedents set by her new colleagues when they formed the Sas-

katchewan Party in 1997, Ms. Jule stated that it was unnecessary to seek a new mandate from her constituents in a byelection as they supported her move.

Finally on January 14th, **Ed Tchorzewski** (Regina Dewdney) and **Bob Mitchell** (Saskatoon Fairview) announced they were resigning their seats. Mr. Tchorzewski headed to Ottawa to assume the Chief of Staff position with the federal NDP leader, **Alexa McDonough**. Mr. Mitchell intends to pursue his interests closer to home within Saskatchewan.

The standings in the Assembly now are 40 New Democrats, 9 Saskatchewan Party members, 5 Liberals and 2 Independents.

Officers of the Assembly

Under revisions made by *The Election Amendment Act, 1998* during the spring 1998 session, the Chief Electoral Officer is now an Officer of the Legislative Assembly. Previously, the position was appointed by order-in-council and fell under the Department of Executive Council. Under the new provisions, an all-party selection committee was struck to search for a Chief Electoral Officer. On September 28, 1998, the Board of Internal Economy appointed **Jan Baker** to the position. She will serve in an acting capacity until the appointment is confirmed by resolution of the Assembly when it next convenes (expected in Spring 1999). Ms. Baker has been employed by the Electoral Office since 1979 and most recently served as the Acting Chief Electoral Officer.

Garnet Holtzmann, has been contracted to serve as the interim Legislative Counsel and Law Clerk. The position of Legislative Counsel and Law Clerk is not unknown to Mr. Holtzmann as he served in this capacity from 1969 until 1974. Before his retirement in 1992, Mr.

Holtzmann had 30 years of experience in the Department of Justice where he held several key legal positions.

Margaret A. Woods
Clerk Assistant



House of Commons

On December 10, Prime Minister **Jean Chrétien**, **Randy White** (Langley-Abbotsford, Ref.), **Michel Bellehumeur** (Berthier-Montcalm, BQ), **Alexa McDonough** (Halifax, NDP), **Elsie Wayne** (Saint John, PC) and Speaker **Gilbert Parent** paid tribute to the Member for Windsor-St. Clair, **Shaughnessy Cohen**, who died Wednesday, December 9, 1998, of a brain haemorrhage after she collapsed in the House of Commons. Following the death of Ms. Cohen and, pursuant to subsection 28(1) of the *Parliament Act*, on Thursday, December 10, 1998, the Speaker addressed his warrant to the Chief Electoral Officer for the purpose of a writ for the election of a member to fill the vacancy.

At the end of Routine Proceedings, **Don Boudria**, Government House Leader moved, in memory of the late Shaughnessy Cohen, "that this House do now adjourn". The motion was agreed to. On February 1, 1999, the House returned pursuant to the parliamentary calendar.

Resumption of Sitting

The House passed a motion concerning late sittings on February 1 and 2. On Monday, February 1, 1999, Bill C-49, *An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management*, was debated at report stage until 11:30 p.m. On February 2, the Standing Committee on Finance's pre-budget consultations Report was debated until 11:57 p.m.

On February 5, the House concurred in a motion disagreeing with the amendments made by the Senate to Bill C-20, *An Act to amend the Competition Act and to make consequential and related amendments to other Acts*. The motion contains new proposed amendments to the Bill.

Private Members' Business

On February 2, 1999, Bill C-306, *An Act to amend the Bank Act* (bank charges) in the name of **Denis Paradis** (Brome-Missisquoi) was placed on the order of precedence of Private Members' Business, pursuant to Standing Order 87(6). Pursuant to changes in the Standing Orders adopted on November 30, 1998, this is the first application of this new Standing Order which allows an item to be placed on the order of precedence when the sponsoring Member has obtained the signatures of 100 Members supporting the item in question. On February 2, the sponsor of Bill C-306 was changed to **Nick Discepola** (Vaudreuil-Soulanges).

Ways and Means – Budget – Designation of Order of the Day

The Minister of Finance, **Paul Martin** presented the Budget at 4:15 p.m., on Tuesday, February 16, 1999. February 17 and 18 were designated as the first two of four days

for the resumption of the Budget Debate.

Bibiane Ouellette
Procedural Clerk
Journals Branch



ASSEMBLÉE NATIONALE

Q U É B E C

A general election was held on 30 November 1998. The Parti Québécois, led by **Lucien Bouchard**, returned 76 Members and formed the Government. The Québec Liberal Party, whose leader is **Jean Charest**, forms the Official Opposition with 48 Members. The Action Démocratique du Québec Party had one Member elected, **Mario Dumont**, its leader.

One hundred of the 125 Members were reelected, and the Assembly now has 29 women Members. The new Cabinet is composed of 27 Ministers (prior to the autumn 1998 Cabinet shuffle, there were 26), 8 of whom are women. Four new Members were appointed to the Cabinet of Mr. Bouchard, which includes the new Minister of Justice, **Linda Goupil**, and the former chairperson of the Committee on the status of women, **Diane Lemieux**, who is now Minister of State for Labour and Employment.

Both the Government House Leader, **Jacques Brassard**, and the Official Opposition House Leader, **Pierre Paradis**, were reappointed by their respective leaders.

The 1st Session of the 36th Legislature is expected to open on Tuesday, 9 March 1999. The Assembly

will then elect its Speaker and Deputy Speakers. In the following days, the parliamentary committees will also proceed to the election of their chairmen and vice-chairmen.

In mid-December, the National Assembly organized a one-day welcoming session for Members during which practical information on the Assembly was provided. Several documents were distributed (including the new edition of the Standing Orders) and various workshops were held, thus allowing Members to better understand the organization of the Assembly and of its committees, the legislative process, the working conditions of Members and office organization, the various services provided to Members and, finally, the duties and obligations of Members and their impact on personal and family life. A total of 37 Members attended this information session.

The same type of activity was held a few days later, but this time for the benefit of Members' staff (44 persons attended). Another information session is scheduled to be held on 9 March for the spouses of Members.

Johanne Lapointe
Secretariat of the Assembly

Translation : Sylvia Ford
Secretariat of the Assembly



Northwest Territories

Division of the Northwest Territories and the creation of Nuna-

vut and a new Northwest Territories continued to dominate the agenda and time of Members in the Assembly prior to the Christmas break.

Members approved minor amendments to numerous pieces of legislation that will be duplicated for Nunavut by the *Nunavut Act*. This in itself is a historical event as the Legislative Assembly of the Northwest Territories is passing legislation for the jurisdiction of Nunavut, although all legislation was approved in consultation with the Interim Commissioner of Nunavut.

One significant piece of legislation was the *Nunavut Judicial System Implementation Act*. This new Act deals with the composition, powers and officers of the Nunavut Court of Justice and the Court of Appeal of Nunavut and designates Youth Courts for Nunavut. The legislation will allow for the creation of a single-tiered court system, the only one in Canada.

Other division-related discussions included the Western Members voting down (by a margin of seven to six) a recommendation from the Northwest Territories Electoral Boundaries Commission that suggested the city of Yellowknife should have two more seats in the new NWT Legislative Assembly for the 1999 General Election. This would have increased the membership from 14 Members to 16 Members to meet the obligation under the *Charter of Rights and Freedoms* with respect to fair and equal representation. A group of concerned citizens, the Friends of Democracy, has taken legal action requesting that the courts overturn the Assembly's decision. The matter is scheduled to be heard in early spring.

However, division was not the only issue demanding the time and

attention of Members of the Legislative Assembly.

On November 26th, 1998, the report of the Conflict Commissioner into allegations against Premier **Don Morin** was released. Mr. Morin was found guilty of contravening sections of the *Executive Council and Legislative Assembly Act*. The Commissioner found that Mr. Morin had used his position for personal gain.

The following day, Mr. Morin resigned as Premier pending consideration of the Commissioner's report by the entire Legislature. He remained in office as the Member for Tu Nedhe. **Goo Arlooktoo**, Deputy Premier assumed the job of Acting Premier until Members could elect a new Premier.

The Assembly set aside two days in the House to discuss the conflict report and deal with the recommendations from the Commissioner. After several passionate speeches from both ministers and members, a motion was passed to accept the Commissioner's findings, thereby affirming the finding of guilt. The motion also set up an independent panel to review the NWT's Conflict of Interest legislation.

In a concurrent process, Mr. Morin appealed the Commissioner's findings to the NWT Supreme Court saying that the process used in the public inquiry was biased and not conducted in accordance with the rules of natural justice. Early in the new year, Supreme Court Justice **John Vertes** rejected the appeal and said that the Legislative Assembly has the right to discipline its Members and had delegated this authority to the Conflict Commissioner by establishing this process in legislation. His conclusion was that the courts could not intervene in these matters.

The Territorial Leadership Committee met on December 10 and

elected **Jim Antoine** as the Premier of the NWT. Prior to his election as Premier, Mr. Antoine, the Member for Nahendeh, was the Minister of Aboriginal Affairs, Transportation, and Public Works and Services.

On January 1, **David Hamilton**, the Chief Electoral Officer, issued the writ for the election of 19 Members to the first Nunavut Legislative Assembly.

January and early February were quiet months around the Assembly as many of the Members who represent constituencies in Nunavut were campaigning for election to the Nunavut Legislative Assembly. However, Western MLAs did take advantage of the time to continue planning for the new Northwest Territories.

Western Members met with leaders of the Aboriginal Summit in late January and agreed to establish a working group to explore the principles for a political accord. The accord will set out the ongoing relationship between the Government and Legislative Assembly of the Northwest Territories, Western aboriginal governments and the Federal Government.

Legislation

In addition to dealing with the numerous pieces of division-related legislation the Session also saw the introduction and passage of the third Private Member's Public Bill when Yellowknife South MLA **Seamus Henry** introduced *An Act to Amend the Public Highways Act* and the *Motor Vehicles Act*. This act amends the legislation to remove the maximum speed limit that may be established by the Commissioner.

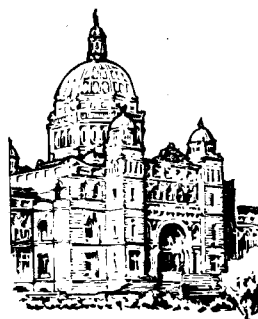
Committees

The Special Committee on Western Identity has also put its activities in

high gear by contracting artists to begin work on a new Mace for the Northwest Territories. The Mace will not be unveiled until the Members of the 14th Assembly take office in the fall. Work has also begun on collecting designs and suggestions for a new flag and a new Coat-of-Arms for the Northwest Territories

Ronna Bremer

Public Relations Officer
NWT Legislative Assembly



British Columbia

On November 30th 1998, the Third Session of the Thirty Sixth Parliament resumed after a four month recess. Members returned in order to consider the *Nisga'a Final Agreement Act*. This act gives force of law to the *Nisga'a Final Agreement*, which British Columbia has been negotiating with the Nisga'a people and the Canadian government since 1990.

At the introduction of the bill in the Legislative Assembly, a delegation of the Nisga'a Nation, in full ceremonial dress, was welcomed at the entrance of the Parliament Buildings. The welcoming ceremonies represented an atonement for the reception accorded the Nisga'a in 1887, when the first Nisga'a delegation to present land claims arrived at the Parliament Buildings and was turned away by Premier

William Smithe. The Nisga'a delegation recreated the original scene, arriving in canoe and walking in procession to the steps of the Legislature where they met Premier Clark and were escorted through the ceremonial gates. Choirs and dancers from the Nisga'a nation and local schools performed during the ceremonies.

At the commencement of second reading on December 2, Chief **Joseph Gosnell** of the Nisga'a Nation gave an impassioned address from the Bar of the House, entreating the Members of the Legislative Assembly to reflect on the significance of the *Nisga'a Final Agreement Act* for all British Columbians, and indeed, all Canadians.

Under the treaty, the Nisga'a Nation will receive title in fee simple to 1,930 square km of Crown land in the Upper Nass Valley in northwestern British Columbia and approximately \$200 million in compensation payments and government projects over several years. Self-government powers are also included in the treaty. Due to its importance and comprehensive scope, all parties agreed that Members of the Legislative Assembly would proceed with the bill on the basis of a free vote. Upon adjournment, the Committee of the Whole suspended consideration of Chapter 6 of the Schedule to the *Nisga'a Final Agreement Act*.

In other business, **Judith Reid**, representing the B.C. Liberal Party, was elected as MLA for Parksville-Qualicum in the December 14th by-election resulting from **Paul Reitsma's** resignation. Mr. Reitsma resigned on June 23, 1998 under pressure of recall. Ms. Reid took her seat in the House on January 13, 1999. A January 29th cabinet shuffle saw **Gordon Wilson** resign as leader of the Progressive Democratic Alliance and take the oath to

become the NDP's Minister of Aboriginal Affairs and Minister Responsible for the B.C. Ferry Corporation. The party standings in the Legislative Assembly are now 40 NDP, 34 Liberal and 1 independent.

The House adjourned on February 1st. Liberal members spoke against the motion to adjourn for over four hours before it finally passed on recorded division.

Committees

The Select Standing Committee on Agriculture and Fisheries held an organizational meeting on July 30th. New Democrat MLA and Deputy Speaker **Bill Hartley** was elected Chair and Liberal MLA **Bill Barisoff** was elected Deputy Chair. The committee has received the Agri-Food Policy Development Document prepared by the Ministry of Agriculture and expects to hold provincewide public consultations on the document this fall.

The Select Standing Committee on Public Accounts met to consider the Auditor General report on Earthquake Preparedness. This audit focused on evaluating the hazards, risks and vulnerabilities in the event of a major earthquake and plans for response and recovery. The committee also reviewed the Auditor General report on Managing the Cost of Drug Therapies and Fostering Appropriate Drug Use.

The Special Committee to Appoint an Ombudsman is reviewing over two hundred applications for the position. The committee expects to report its recommendation to the Legislative Assembly early this year.

The Special Committee on the *Freedom of Information and Protection of Privacy Act* elected New Democrat **Rick Kasper** as Chair in November. He replaced **Moe Sihota**, who moved into cabinet as Minister

Responsible for the Public Service. The committee is conducting a mandatory four-year review of the *Freedom of Information and Protection of Privacy Act*.

The Special Committee on the Multilateral Agreement on Investment has concluded the first phase of its mandate, during which it heard comments on the potential impacts of the MAI from 87 specialists from British Columbia, Canada, the United States and Europe, and tabled its First Report. Liberal members of the committee withdrew from the committee's work in mid-October when New Democrat **Steve Orcherton's** motion to reject the fundamental basis of the MAI negotiations passed despite their protests. Liberal committee members claimed they had not received notice on the motion and felt that the motion prejudged the committee's work before having heard from British Columbians. The expert witness phase of the committee's work, including the tabling of the committee's First Report, therefore concluded with the participation of only NDP committee members. The committee has now begun its second phase, with public hearings around the province. After consulting with British Columbians, the committee will develop recommendations on the issues arising out of the MAI for its final report to the Legislature in the spring of 1999.

Electoral Boundaries

The BC Electoral Boundaries Commission presented its report to the Speaker early in December. The report recommends four new ridings, which would increase the total number of seats from 75 to 79. Two new ridings in Surrey would be created, along with one on the Burnaby-Coquitlam border and one in Chilliwack. The commission will be holding public hearings on its

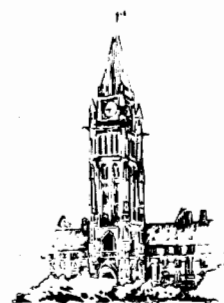
recommendations early this year and will publish its final report within six months. If accepted by the Legislative Assembly, the new ridings could be in place by the next provincial election.

Peter Hucal

Committee Clerk and

Wynne MacAlpine

Committee Researcher



Senate

Canada's first Prime Minister, Sir **John A. Macdonald**, once described the Senate as the chamber of "sober second thought". It is a description, almost a sobriquet, which has stuck ever since. What it has come to mean in the late twentieth century became evident during the weeks of February when Parliament returned to business following the Christmas adjournment.

Legislation:

Thus far this session, the Senate has amended numerous government bills already passed by the House of Commons. The Commons subsequently accepted all of these amendments without significant objection. The situation changed, however, when the Senate amended Bill C-20, *an Act to amend the Competition Act*. During debate on third reading, December 9, 1998, Senator **Donald Oliver** proposed

an amendment to delete clause 19 in the bill protecting whistle-blowing employees. According to the Senator, this protection as drafted was poorly conceived and unnecessary because effective remedies were already available in law. The Senate accepted this proposition, adopted the amendment, and passed the bill December 10, sending an appropriate message to the House of Commons seeking its concurrence in the amendment.

On February 9, the Senate received a return message from the House of Commons rejecting the Senate amendment to Bill C-20. In its message, the Commons asserted that the protection of whistle-blowing employees provided in the bill was in the public interest and reflected the opinion of a great majority of Canadians. Later in the week, the message together with a motion of Senator **Alasdair Graham**, the Leader of the Government, to concur in the message was referred to a standing committee for consideration. The Committee on Banking, Trade and Commerce reported February 16 recommending that the Commons message should be adopted.

In the end, the Senate accepted the decision of the House of Commons. In doing so, however, Senator **John Lynch-Staunton**, the Leader of the Opposition, took note the fact that the Commons had taken the opportunity created by the Senate's amendment to improve the original clause 19. These improvements, he stated, addressed concerns that had been expressed during Senate committee hearings on the bill.

Another bill that prompted declarations about the Senate's role in the legislative process was Bill C-59, *an Act to amend the Insurance Companies Act*. Again, it was Senator Lynch-Staunton who made the case for the

Senate's obligation to carefully review all bills coming from the House of Commons. This task was particularly necessary with respect to Bill C-59 since it had passed through report stage and third reading, according to the Senator, with little debate in a matter of minutes. Consequently, the Senator claimed that the Senate would have to do "double duty" since it would have to study the bill without the benefit of any input from the Commons. To the general applause of the Chamber, Senator Lynch-Staunton could not resist pointing to the irony in the present situation - despite all the criticism heaped on the Senate, it was the appointed body that was properly fulfilling its constitutional responsibility in assessing bills in depth. It was a fact not lost on Senator **Sharon Carstairs**, the Deputy Leader of the Government who hoped that the bill would receive that kind of study and debate "that both Houses of Parliament should provide to any piece of legislation."

Bill C-59 was referred to the Standing Committee on Banking Trade and Commerce February 4, one day after Senator **Richard Kroft** had moved the motion for second reading. The Committee reported on the bill February 16 without amendment, but with some comments. The report noted that the bill had contained two parchment errors. The report also explained that the committee chair, Senator **Michael Kirby**, would be writing to the Superintendent of Financial Institutions to seek assurances about the information that would be made available to policyholders who would be affected by the demutualization of the insurance companies.

This letter from the Superintendent of Financial Institutions became part of the debate on the third reading of Bill C-59. Senators from both sides of the floor were agreed

on the need to obtain assurances from the Superintendent that policyholders would be properly and correctly informed of their rights and of the implications of demutualization particularly with respect to the tax consequences. The bill received third reading February 18.

Committees

The reputation of the Senate is founded in large measure on the work of its committees. This is particularly true of the investigative work of committees. During the Christmas adjournment, two reports of special committees were deposited with the Clerk and debate on them was started during February. The first deposited report was that of the Special Committee on Security and Intelligence which had received a mandate to examine various issues relating to terrorism in late March of 1998. On February 16, the Chair, Senator **William Kelly** began debate on the adoption of the report. In the course of his remarks, the Senator touched upon the scope of the committee's review assessing problems of security including conventional terrorism, the use of the immigration system by potential terrorists and cyber-terrorism. In his conclusion, Senator Kelly highlighted one recommendation of the report to establish a Senate standing committee to review on a continuing basis the work of the national security and intelligence services.

The second report deposited with the Clerk was an interim report of the Special Committee on Transportation Safety and Security. In moving the motion for its consideration, Senator **Michael Forrestall**, the Chair, began by reviewing the committee's work to date covering the entire range of ground, sea and air transportation as well as related technical issues and regulatory

structures. The focus of the committee's efforts, as the Senator explained, is safety and there are numerous problems that must be addressed soon if the transportation system is to maintain essential standards into the next century.

Aside from the reports of these two Special Committees and others presented by Standing Committees, the Senate makes occasional use of the Committee of the Whole. It did again recently to receive evidence from the Privacy Commissioner. On February 18, **Bruce Phillips** took his seat at a table placed just inside the bar of the Senate to make a statement and answer questions on the problem of privacy and confidentiality in an age being rapidly affected by computer technology. One series of questions related to a topic that has been the focus of debate recently in the Senate concerned possible access to census information. Other questions raised concerns about computer access to collections of personal information and the possible threat to privacy. This topic is bound to come up again in the Senate after Bill C-54 dealing with the protection of personal information gathered in the pursuit of commercial activities is presented for consideration following its passage in the House of Commons.

Question of Privilege:

The first day the Senate sat in February, Senator **Noel Kinsella**, the Acting Deputy Leader of the Opposition, raised a question of privilege objecting to the lewd depiction of the Minister of Canadian Heritage in *Hustler* magazine as part of its campaign to oppose Bill C-55 and U.S.-based split-run publications. The Senator claimed that the degrading portrayal of the Minister was an attack on all parliamentarians and that it could have a chilling impact on the process of debate in Parliament. Other Senators also participated in the debate. Senator **Anne Cools** spoke of her experiences with the media; Senator **Carstairs** mentioned the difficulties faced by women who seek political careers and Senator **Joan Fraser** questioned the possible conflict between parliamentary privilege and freedom of the press.

The Speaker made his ruling February 16. Although the Speaker was sympathetic to the problem raised in the question of privilege, Senator **Gildas Molgat** ruled that it did not satisfy three of the four conditions stipulated in rule 43 to be recognized *prima facie* as a question of privilege. While the matter was certainly raised at the first opportunity, the complaint did not directly involve a Senator nor was it clear

whether it constituted a serious breach. In addition, the Speaker suggested that there were other procedures available to handle the problem.

Once the Speaker had made his ruling, Senator Kinsella gave notice of his intention to move a motion rejecting the actions taken by *Hustler* magazine. The Senate adopted the motion two days later on February 18 after a short debate.

Milestones

When the Senate returned, its first obligation was to pay tribute to the service and memory of Senator **Peter Bosa** who died December 10, 1998 following a lengthy illness. A few days later, several Senators spoke to in acknowledgment of the public career of Senator **Dalia Wood** who submitted her resignation due to illness effective January 31. As a result of these two events, the membership in the Senate stands at Liberals 53, Progressive Conservatives 43, and Independents 5 with 3 vacancies.

Finally, the Senate marked a happier occasion when on February 10, several Senators spoke to congratulate Senator **Marcel Prud'homme** on the 35th anniversary of his parliamentary career.

Charles Robert
Deputy Principal Clerk



CPA Activities: The Canadian Scene

16th Presiding Officers' Conference

Although not officially a CPA activity the Presiding Officers's Conference brings together most of the individuals who head their respective Branches of the Canadian Region of the Commonwealth Parliamentary Association.

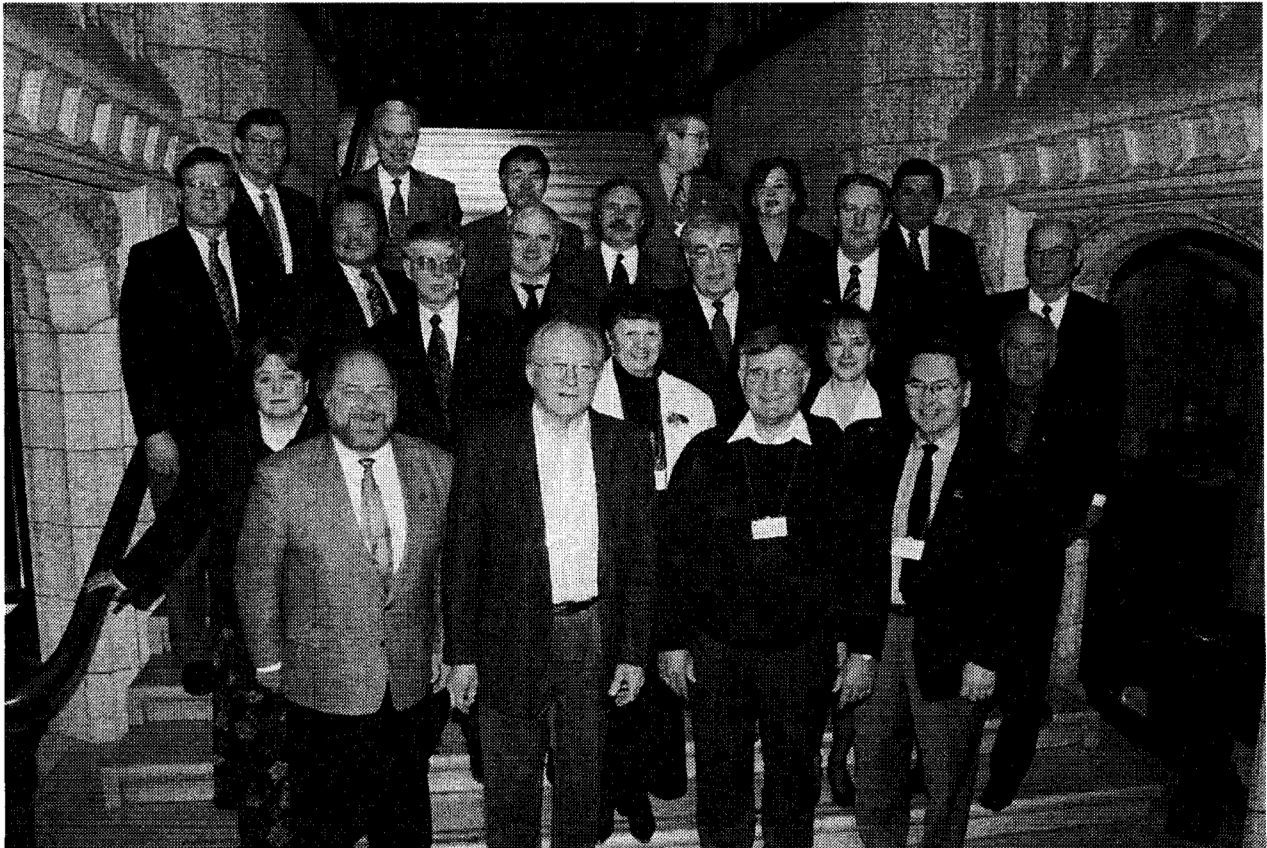
The 16th annual meeting of the Presiding Officers was held in Ottawa from January 7 to 10, 1999. The co-hosts of the meeting were

Speaker **Gildas Molgat** of the Senate and Speaker **Gilbert Parent** of the House of Commons.

Every Canadian jurisdiction was represented by either a Speaker, a Deputy Presiding Officer or a Clerk.

Following a format adopted several years ago a number of business sessions consisted of formal presentations by table officers followed by general discussion. Among the topics dealt with in this way were: "The Role of Parliaments and Parliamen-

tarians in the 21st Century Governance" presented by **David McNeil** of Alberta, "The Changing Demographics of Parliamentary Assemblies", presented by **Claude DesRosiers** of Ontario, "Ensuring Order and Decorum" presented by **Lori Catalli Sonier** of New Brunswick, "The Casting Vote" presented by **W.H. (Binx) Remnant** and "Agreements to be Ratified by Legislatures: A case study of the Nis-



ga'a Treaty" presented by **Robert Vaive**.

The Conference also included reports from each jurisdiction on procedural issues that arose during the past year. These reports were presented by the following Speakers **Lloyd Snow** (Newfoundland and Labrador), **Sam Gargan** (Northwest Territories), **Jean Pierre Charbonneau** (Quebec) **Ken Kowalski** (Alberta) **Ron Russell** (Nova Scotia), **Chris Stockwell** (Ontario) **Wilbur MacDonald** (Prince Edward Island), **Louise Dacquay** (Manitoba), **Glenn Hagel** (Saskatchewan) and Senator Molgat. Two Deputy Speakers presented reports for their jurisdiction: **Peter Milliken** (House of Commons) and **John Flynn** (New Brunswick). The Yukon report was presented by Deputy Clerk **Missy Follwell** and the British Columbia report was presented by Clerk Assistant **Robert Vaive**.

The last session was an Oxford Union-style debate on the following proposition: BE IT RESOLVED that the televising of debates in legislatures and their committees is a key contributor to the understanding of our parliamentary institutions.

Arguing for the affirmative were **Erda Walsh** of British Columbia and **Kim Trew**, Deputy Chair of Committees in Saskatchewan. For the negative were **Ian McClelland**, Deputy Chairman of Committees of the Whole in the House of Commons and **Donald Tannas** Deputy Speaker of Alberta.

Presenters were allowed six minutes each for an opening statement and two minutes each for rebuttal. There was also an opportunity for interventions from the floor. Following debate the results were decided based on applause from the audience and the negative was declared the winner.

The meetings demonstrated once again the community of interest shared by presiding officers regardless of which part of the country they came from or their party affiliation.

The 17th Conference of Presiding Officers will be held in January 2000 in Manitoba.

Upcoming Events

The schedule of CPA activities for 1999 includes:

- 38th annual Canadian Regional Conference to be held in Quebec City from August 8 to 14, 1999
- 22nd Regional Seminar which will be held in Newfoundland in October .

Following practice of the last few years the 1999 Regional Council meeting will be held in Quebec City immediately before the Conference.

At the international level there will also be several activities involving Canadian parliamentarians including:

- CPA Executive Council Meeting in Singapore from May 2-8, 1999.
- 11th CPA Seminar in Malta from May 28-June 2, 1999.
- 45th CPA Commonwealth Conference will be held in Trinidad & Tobago from September 13-23, 1999.