



Legislative Reports



Senate

A number of government bills were introduced initially in the Senate during the period under review. These include Bill S-17, the *Marine Liability Act*; Bill S-18, *An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities)*; and Bill S-19, *An Act to amend the Canada Business Corporations Act and the Canada Co-operatives Act and to amend other Acts in consequence*. All have now passed second reading and are in committee. In addition, Bill S-10, *An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code*, received third reading.

Government legislation has also continued to arrive in the Senate from the Commons. Considerable attention was given to Bill C-9, the *Nisga'a Final Agreement Act*. This bill provides for the implementation of the first modern aboriginal treaty in British Columbia, and allows the Nisga'a government to legislate in various areas, including culture, education, and language. The bill was the object of extensive study in committee, as well as a number of

proposed amendments at third reading. Pursuant to a decision of the Senate taken on April 11, votes were taken on all outstanding amendments and the bill was read a third time on April 13. It received Royal Assent later that day.

A second bill that has received considerable attention in the Senate has been Bill C-20, *An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference*. It received first reading on March 21. Numerous senators have participated in the on-going second reading debate, either through speeches or questions.

While much of the Senate's attention has been focussed on these two bills, work on other legislation has continued. Bill C-2, the *Canada Elections Act*, was referred to the Standing Senate Committee on Legal and Constitutional Affairs on March 28, and reported without amendment on April 13. Bill C-10, *An Act to amend the Municipal Grants Act*, received second reading and was referred to the Standing Senate Committee on National Finance, while Bill C-13, the *Canadian Institutes of Health Research Act*, moved through all stages in the Senate. The Senate also adopted two appropriations Acts (C-29 and C-30), and gave first reading to Bill C-23, the *Modernization of Benefits and Obligations Act*, which now awaits debate at second reading.

In the field of non-governmental legislation, there were also a number of developments. Bill C-202, *An Act to amend the Criminal*

Code (flight) passed through second reading, committee, and third reading. The Act provides for penalties for those who fail to stop for a peace officer when required to do so. **Sharon Carstairs's** Bill S-2, the *Medical Decisions Facilitation Act*, received second reading and was referred to the Standing Senate Committee on Legal and Constitutional Affairs. **Jerahmiel Grafstein's** Bill S-5, *An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate)* was referred to the Standing Senate Committee on Social Affairs, Science, and Technology; and **John Lynch-Staunton's** Bill S-7, the *Royal Assent Act*, was referred to the Standing Committee on Privileges, Standing Rules, and Orders. Finally, **Noel Kinsella's** Bill S-13, the *Public Service Whistleblowing Act*, was referred to the Standing Senate Committee on National Finance.

Speaker's Rulings

The one Speaker's Ruling during this period emphasised the different roles of the Senate and Commons Speakers. On February 22, **Nicholas Taylor** raised a point of order regarding language used by **David Angus** during Question Period. In referring to the Minister of Human Resources Development, Senator Angus used the word "misleading" and said "that the minister was caught with her hands in the cookie jar." Senator Taylor, referring to *Beauchesne's Parliamentary Rules and Forms*, viewed this language as unparliamentary. The

next day this issue was revisited, with leave of the Senate. **Jean-Robert Gauthier** noted these statements also appeared to contravene rule 51 ("all personal, sharp or taxing speeches are forbidden"). With respect to *Beauchesne's*, **Noel Kinsella**, Deputy Leader of the Opposition, maintained that Senate rules take precedence and that rule 51 deals with speeches in which one senator addresses another senator. In his March 1 ruling Speaker **Gildas Molgat** noted that his position is very different from that of the Commons Speaker, that senators regulate themselves, and that the Speaker has limited authority to interfere in debate. Referring to both *Beauchesne's* and *House of Commons Procedure and Practice*, he held that it is difficult to lay down specific rules regarding unparliamentary language, as it is the context in which words are used that is key. He emphasised the importance of senators treating each other with respect and noted that the *Rules of the Senate* do not give him authority to discipline members.

Committees

The Foreign Affairs Committee released the results of its study of Canada's role in NATO and its future involvement in international peacekeeping. The Committee identified concerns about Canada's influence in NATO decision-making and called upon the government to articulate more clearly the goals and limits on Canadian involvement in international peacekeeping missions. Other highlights of the report included: the need to provide a solid foundation for the concept of "human security" in Canada's foreign policy and a call for a greater role for Parliament in the oversight of Canada's foreign relations and military initiatives

abroad, whether under UN or NATO auspices.

The Banking, Trade, and Commerce Committee tabled its report on the *Export Development Act* in March. The background to this study shows how committees in the two chambers can complement each other's work. In 1993, the government passed amendments to this Act, which substantially expanded the powers of the Export Development Corporation (EDC), Canada's export credit agency. Included in those amendments was the requirement that a review of EDC be undertaken five years after the amendments came into effect and every 10 years thereafter, and that both a Senate and House committee study it. In July 1999 the Minister for International Trade tabled his report, which was then referred to the Senate Banking Committee and the House Foreign Affairs Committee. Not wishing to duplicate the House Committee's work, the Banking Committee concentrated on a few specific areas in order to complement the House's study. Specifically, the Banking Committee concentrated upon what it saw as a central issue: the lack of private-sector involvement in the medium-term financing of Canadian exporters.

On April 6, the Committee on Social Affairs, Science, and Technology presented its Sixth report on Bill C-13, the *Canadian Institutes of Health Research Act*. Although the Committee reported the bill without amendment, it did make a number of observations. Among the suggestions proposed by the Committee were: paying special attention to the specific health problems of Aboriginal Canadians and Canadians living in remote and rural areas; raising the profile and status of mental health issues within the medical and research

community; incorporating gender analysis into each of the institutes; and including the consideration of ethical issues in all initiatives.

A new special committee was created with a wide-ranging mandate to reassess Canada's anti-drug legislation and policies. This five-person committee will have three years in which to complete its work.

Another development relating to the work of committees was the handling of an allegation of a potential conflict of interest. **Michael Kirby**, Chair of the Social Affairs, Science, and Technology Committee, which is currently involved in a three-year study of Canada's health care system, made a statement in response to a question raised by Senator Lynch-Staunton, Leader of the Opposition, regarding a perceived conflict of interest, namely, that he was on the board of directors of a long-term care facility. Senator Kirby described a procedure that had been used previously by the Banking, Trade, and Commerce Committee. That process involved the tabling of a letter with the Law Clerk and Parliamentary Counsel of the Senate, outlining any business transactions with respect to financial institutions. These letters were available to the public through the office of the Law Clerk. He indicated that he had written a similar letter regarding any health-related activities and had also asked all members of the Social Affairs, Science, and Technology Committee to do likewise.

The Committee on Privileges, Standing Rules, and Orders presented two reports on matters that had been referred to it following questions of privilege raised in the Chamber. The Fourth Report, presented April 13, dealt with the questions of privilege raised by **Raynell Andreychuk** and **Lise Bacon**. Both referred to the unauthor-

ised release of working drafts of reports. The Committee did not conduct an investigation or inquiry into the source of the leak or assess culpability but rather concentrated on how to enhance awareness of confidentiality among senators and among all persons who work for or in the Senate.

The Committee stated that measures should be taken to ensure that everyone is carefully briefed and educated about what confidentiality means, including the implications of discussions at *in camera* meetings and the documents and evidence presented at such meetings. The Committee outlined a six-point procedure for dealing with unauthorised disclosure of confidential committee reports and other documents or proceedings, and recommended that it be printed as an appendix to the *Rules of the Senate*. This procedure would include an examination by the committee concerned of the circumstances surrounding the leak of a confidential document. The means, nature and extent of the investigation would be the responsibility of the committee. The committee investigation of the leak would not prevent any individual senator raising a question of privilege in the Senate relating to the matter. As a general matter, however, and in the absence of extraordinary circumstances, it would be expected that the substance of the question would be not be dealt with by the Senate until the committee had completed its investigation.

The Committee on Privileges, Standing Rules, and Orders also presented a report on its consideration of the question of privilege raised by Senator Kinsella relating to the harassment or intimidation of a witness before a Senate committee. An employee of Health Canada alleged that he had received a five-

day suspension without pay because of his appearance before the Committee on Agriculture and Forestry. Health Canada said that the suspension was given because of statements made by the employee at a conference on employment equity organised by the Department of Canadian Heritage. The Committee found that there was no direct evidence that the five-day suspension without pay was related to the employee's appearances before the Senate Committee. After a careful review of all of the evidence, the Committee was unable to conclude that a contempt of Parliament had occurred. "Your Committee is not satisfied to the degree that it must be in order to make such a finding. The standard of proof required in order to determine that a contempt of Parliament has occurred has not yet been met, but this is not to say that there is no evidence". The Committee noted that the evidence clearly established that the working environment in the relevant division of Health Canada is "highly unsatisfactory" and urged the Minister and Deputy Minister to place a priority on taking steps to remedy the situation. This report will be considered after the Easter break.

Milestones

There were a number of recent changes in the membership of the Senate. At the end of March Senator **Ron Ghitter**, who was appointed in 1993, retired more than a decade ahead of the mandatory retirement age of seventy-five, and after more than thirty years in public life. Less than two weeks later Senator Lynch-Staunton read to the Senate a letter of apology received by Senator Ghitter from **Rob Anders** and **Ezra Levant** as part of the settlement of a defamation action. This action had been launched as the result of a fundraising letter, prepared by Mr.

Levant and signed by Mr. Anders, which contained allegations about the Senator's character, statements, commitment, and work. The letter of apology acknowledged that these allegations were unfair and inaccurate.

Two new senators were also appointed. On April 7, **Tommy Banks**, a well-known Canadian entertainer, was appointed to represent the province of Alberta. At the same time, **John Wiebe**, a farmer, former MLA, and former Lieutenant Governor, was appointed to represent Saskatchewan.

**Barbara Reynolds and
Till Heyde**
Senate Committees



House of Commons

On February 10, 2000, **Don Boudria** (Government House Leader, Lib.) moved a motion to allocate one further day for the consideration and disposal at Second Reading of Bill C-20 – *An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference*. The motion carried on a recorded division. At the end of Government Orders on that day, the Bill was passed at Second Reading and referred to a legislative committee created specifically to consider it. On February 24, 2000, Mr. Boudria moved a time allocation motion for consideration of Bill C-20 in committee. The motion carried on division (a majority of the Opposition Mem-

bers left the Chamber at the time of the vote; only four Opposition Members voted on the motion). On February 25, 2000, the legislative committee reported the Bill to the House without amendment.

Public Bill - Motions to Amend and to Sit Beyond the Normal Hour of Adjournment

On March 3, 2000, the Speaker **Gilbert Parent**, Lib. rendered a decision on the selection and grouping for debate of 411 Report Stage amendment motions to Bill C-20 – *An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference*. On March 13, 2000, Mr. Boudria moved a time allocation motion for consideration of Bill C-20 at Report Stage and at Third Reading. The motion carried and at the end of Government Orders that day, the House proceeded with the deferred divisions on the 411 amendment motions. The House continued with the deferred divisions and passage of the Bill at Report Stage until March 15, 2000, at 6:07 a.m. The House then adjourned until 2:00 p.m. that day.

Change in the Name of a Political Party

At the beginning of the sitting of March 27, 2000, **Chuck Strahl** (Fraser Valley, Canadian Alliance) rose on a point of order to read a letter from the Leader of the Official Opposition addressed to the Speaker of the House of Commons, informing him that all Reform Members should now be considered Canadian Alliance Members and that **Deborah Grey** (Edmonton North, Canadian Alliance) would act as Leader of the Official Opposition until a new leader of the Canadian Alliance had been duly elected by the members of that party.

The Chair - Non-confidence Motion/Special Debate

On March 16, 2000, at the beginning of Routine Proceedings, **Michel Gauthier** (Roberval, BQ) rose on a point of order to ask that the House debate the motion of non-confidence in the Speaker moved by **Gilles Duceppe** (Laurier--Sainte-Marie, BQ). The motion dealt with a decision by the Speaker on the confidentiality of the work of the Legislative Counsels employed by the House of Commons. After a number of Members had spoken, the Deputy Speaker (**Peter Milliken**, Lib.) suspended the sitting to enable the parliamentary leaders to meet. When the sitting resumed, Mr. Boudria requested the unanimous consent of the House to move that the House proceed with the motion of non-confidence in the Speaker. Unanimous consent was granted and the motion carried.

After debate, and following repeated requests from a number of Members that the motion be withdrawn, Mr. Gauthier by unanimous consent moved that the motion be withdrawn and that the question of the confidentiality of the work of the Legislative Counsels be considered by the Standing Committee on Procedure and House Affairs and that this Committee report to the House before June 1, 2000. Consent was given, the motion of censure was withdrawn and the new motion carried.

Question of Privilege

At the start of the sitting of March 17, 2000, **Joe Fontana** (London North Centre, Lib.) raised a question of privilege regarding the premature release to the media by **Leon Benoit** (Lakeland, Ref.) of a confidential report by the Standing Committee on Citizenship and Im-

migration. According to Mr. Fontana, this action was a violation of the privileges both of Members sitting on the Committee and of all other Members of the House. After a number of Members had spoken, the Speaker declared that before handing down a decision he wished to hear the version of the events from the Member for Lakeland, who was not in the House at the time. The Speaker said he also wanted to know whether the question was before the Committee itself and whether a report on the incident would be made to the House.

At the start of Routine Proceedings on March 21, 2000, Mr. Fontana presented the first report of the Standing Committee on Citizenship and Immigration on the premature release of its report. The Committee asked the Speaker to rule on the question.

On March 28, 2000, Speaker Parent handed down his decision on the question of privilege, pointing out that it is not the role of the Speaker of the House to oversee the internal conduct of parliamentary committees. He concluded that the affair did indeed appear to constitute a question of privilege and asked the Member for London North Centre to move that the question of privilege be referred to the Standing Committee on Procedure and House Affairs. During debate on the motion, Mr. Benoit said that because of the Speaker's decision, he wished to apologize. Mr. Fontana then rose on a point of order to request unanimous consent for the withdrawal of the motion. Unanimous consent was twice refused. On March 29, 2000, the House divided on the motion and it was defeated.

Danielle Gougeon
Procedural Clerk
Journals Branch

Committees

On February 9, 2000, Speaker **Gilbert Parent** appointed, pursuant to S.O. 113(2), **Peter Milliken** (Deputy Speaker and Chairman of Committees of the Whole) as Chairman of the Legislative Committee on Bill C-20 (*An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference*). The same day, the Standing Committee on Procedure and House Affairs presented its 16th report on the membership of the Legislative Committee on Bill C-20. Pursuant to Standing Order 113(1), the Report was deemed adopted. This was the first time since the Third Session of the 34th Parliament (1993) that a legislative committee was struck to study a Bill. The Committee met for the first time on February 14, 2000 and reported the bill without amendment on February 25, 2000.

On February 28, the Standing Committee on National Defence presented its Second Report concerning objections made by **John O'Reilly** (Haliburton--Victoria-Brock, Lib.) relating to comments which were made by the Auditor General of Canada concerning the member's questioning of an official of the Auditor General's Office at a meeting of the Committee held on December 14, 1999. The Committee was divided on the question of reporting the matter to the House. The Chair, **Pat O'Brien** (London-Fanshawe, Lib.) felt the situation important enough to cast an affirmative vote, thus allowing the House to be seized of the situation. The Committee felt that these matters might be considered as a question of privilege.

During the meetings of April 11, 12 and 13, 2000 of the Standing Committee on Justice and Human

Rights relating to Bill C-3, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts*, **Michel Bellehumeur** (Berthier-Montcalm, BQ) spoke for the duration of all three meetings after having moved a motion to postpone the study of the Bill until May 2, 2000.

Marie-Louise Paradis

Procedural Clerk

Table Research Branch



Northwest Territories

Members of the 14th Legislative Assembly of the Northwest Territories hit the ground running, following the General Election held on December 6, 1999. The 19 Members gathered in Yellowknife on January 11, 2000 to participate in a series of orientation briefings prior to the First Session.

Nine incumbents, including the six Cabinet Ministers, were returned to the Legislature in the first general election held since division occurred on April 1, 1999. Voter turnout was relatively high as 70.5% of eligible voters cast their ballots despite the frigid winter cold.

Following the Swearing-in Ceremony of Members on January 14, 2000, the Legislative Assembly unveiled its new mace. It better reflects the new Northwest Territories and serves as the symbol of the authority of the Legislature and Speaker. Composed mainly of silver and bronze, the mace measures 1.5 meters in length and weighs 12

kilograms. The top glistens with a snowflake crown symbolizing the strength and diversity of the people and the traditional link with the British monarchy. The mace includes several other northern elements including a band of beadwork designed to resemble Delta Braid and porcupine quillwork. A 1.31-carat diamond from the Northwest Territories adorns the top of the Mace.

Following the extensive orientation process, Members turned their attention to the Territorial Leadership Committee (TLC). The TLC is the forum that is used in the Northwest Territories consensus political system to determine who will serve as the Speaker, Premier and Cabinet Ministers. On January 17, 2000, **Anthony W.J. (Tony) Whitford**, Member for Kam Lake was elected by secret ballot to serve as the Speaker for the 14th Legislative Assembly. A three-term veteran, Mr. Whitford was first elected in a 1988 by-election and returned by acclamation to the 12th Assembly in 1991.

On the same day, **Stephen Kakfwi**, MLA for Sahtu, was elected as the seventh Premier of the Northwest Territories. Entering his fourth term in the Legislature, Mr. Kakfwi was first elected in 1987, acclaimed in 1991 and re-elected in 1995.

Subsequent to these selections, six new Cabinet Ministers were also chosen in a secret ballot election. Joining Premier Stephen Kakfwi in Cabinet were Hay River South MLA **Jane Groenewegen**, Inuvik Twin Lakes MLA **Roger Allen**, Nahendeh MLA **Jim Antoine**, Nunakput MLA **Vince Steen**, Weledeh MLA **Joe Handley** and Yellowknife Centre MLA **Jake Ootes**. In accordance with the format agreed to by the 19 Members, two Ministers were elected from constituencies

North of Great Slave Lake, two from South of Great Slave Lake and two from the Yellowknife region.

On January 19, 2000, the First Session of the 14th Legislative Assembly got underway and the main items of business were the formal motions necessary to ratify the appointments of Members to the positions of Speaker, Premier and Cabinet.

The Second Session commenced on February 22, 2000 with the introduction of five Government bills:

- Bill 1, *An Act to Amend the Education Act*, to set out rules respecting the student-teacher ratio and student support services that must be adhered to when operation and maintenance funds are provided to education bodies;
- Bill 2, *Supplementary Appropriation Act*, No 3, 1999-2000, to authorize supplementary appropriations for the Government of the Northwest Territories for the fiscal year ending March 31, 2000;
- Bill 3, *An Act to Amend the Financial Administration Act*, to authorize the indemnity made pursuant to the Cooperative Enforcement Agreement on Consumer-Related Measures;
- Bill 4, *An Act to Amend the Student Financial Assistance Act*, to increase the aggregate of the principal amount that may be outstanding in respect of all loans made to one person and in respect of all loans made under the Act; and
- Bill 5, *An Act to Amend the Motor Vehicles Act*, to remove exemptions that permitted certain drivers and passengers to refrain from using seatbelts. The Bill would also permit municipalities to make by-laws respecting bicycles, sleds, skateboards, and other such devices, including by-laws requiring the use of personal protective equipment.

Early in the Session, the Legislature adopted a number of resolutions that established the 14th Assembly's Committee structure, confirmed appointments to Standing Committees, and confirmed appointments to the positions of Deputy Speaker and Deputy Chairpersons of Committee of the Whole.

The House recessed on February 29th, but resumed sitting on March 21st to consider the bills previously introduced as well as the following government bills:

- Bill 6, *Interim Appropriation Act, 2000-2001*, to authorize the Government of the Northwest Territories to make interim appropriations for the 2000-2001 fiscal year.
- Bill 7, *An Act to Amend the Workers' Compensation Act*, to permit dependent surviving spouses who marry or remarry to retain their compensation entitlements under the Act. The Bill would also restore the compensation entitlements of such spouses who married or remarried on or after April 17, 1985, the date the equality provisions of the *Canadian Charter of Right and Freedoms* came into force, and
- Bill 8, *Supplementary Appropriation Act*, No. 4, 1999-2000 to authorize supplementary appropriations for the Government of the Northwest Territories for the fiscal year ending March 31, 2000.

Other notable news included the March 31, 2000 swearing-in of Ms. **Glenna F. Hansen** as the fourteenth Commissioner of the Northwest Territories. The Commissioner, similar to a provincial lieutenant governor, was joined by many family and friends at a ceremony in Yellowknife that was attended by NWT Senator **Nick Sibbeston**, and Member of Parliament for the Western Arctic, Ms. **Ethel Blondin-Andrew**. Drummers and dancers

from Ms. Hansen's hometown of Aklavik performed to celebrate the event.

On the same day, the 14th Legislative Assembly released *Towards a Better Tomorrow* the 14th Assembly's vision and priorities document for the next four years. The document is a framework that will provide broad strategic direction to the Government of the Northwest Territories and calls for partnerships with other governments, communities, regions, families and individuals.

All of the government bills were granted Royal Assent on March 31, 2000 just prior to the prorogation of the Second Session. Members will gather in Yellowknife for the Third Session that begins on June 20, 2000 at which time they will consider the Main Estimates for fiscal year 2000-2001.

Doug Schauerte
Deputy Clerk



Manitoba

On March 24, 2000, Premier Doer announced that the 1st Session of the 37th Legislature would reconvene on April 25, 2000. The consideration of legislation, followed by the introduction of the Government's first budget on May 10, 2000, will be the order of business.

Legislative Committees

Since the last submission, there were five Committee meetings held

to review outstanding Annual Reports and two pieces of legislation. The Standing Committee on Economic Development met on February 23, 2000 to consider the Annual Reports of the Manitoba Lotteries Corporation for the years ended March 31, 1996, 1997, 1998 and 1999, the Annual Reports of the Communities Economic Development Fund for the years ended March 31, 1998 and 1999, Financial Statements of Venture Manitoba Tours Ltd. for the years ended March 31, 1996 and 1997, 1998 and 1997 and 1999 and the Annual Reports of the Manitoba Development Corporation for the years ended March 31, 1998 and 1999. All reports were passed at that meeting.

On March 16, 2000, the Standing Committee on Public Utilities and Natural Resources met to consider Annual Reports of the Manitoba Liquor Control Commission for the years ended March 31, 1997, 1998 and 1999; Annual Report of the Manitoba Public Insurance Corporation for the year ended February 28, 1999; the Workers Compensation Board 1998 and 1999 Five Year Operating Plans; Annual Reports of the Manitoba Hydro-Electric Board for the years ended March 31, 1998 and 1999; and the Annual Reports of the Crown Corporations Council for the years ended December 31, 1994, 1995, 1996, 1997 and 1998. None of these reports passed.

On April 20, 2000, the Standing Committee on Public Utilities and Natural Resources met to consider the February 28, 1999 Annual Report of the Manitoba Public Insurance Corporation. This report was passed by the Committee. There are several other outstanding annual reports, including a number of reports of the Provincial Auditors Office and Public Accounts dating back to March 31, 1997.

The Standing Committee on Law Amendments met twice, first on

April 26, 2000, to consider Bill (No. 9) - *The Court Security Act* and second, on May 1, 2000, to consider Bill (No. 19) - *The Holocaust Memorial Day Act*. Both Bills were considered by the Committee with Bill (No. 9) passing unamended and Bill (No. 19) passing with one amendment.

On March 13, 2000, Commonwealth Day was observed in Manitoba. The host of this year's event was Manitoba's Speaker, **George Hickes**. Other guest speakers at this year's event were the Premier **Gary Doer**, His Excellency **Jim Gerard**, High Commissioner of New Zealand and His Excellency **Oliver Lawluvi**, High Commissioner of Ghana. This year's theme was communication. Computers were set up in the Rotunda of the Legislative Building allowing guests to access the internet and do some "surfing". **Peter Liba**, Lieutenant Governor of Manitoba delivered the 2000 Commonwealth Day Message from Her Majesty **Queen Elizabeth II**.

On March 22, 2000, the Minister of Finance **Greg Selinger**, announced that a \$1.6 billion special warrant had been approved. The special warrant is required to fund existing programs. Once the budget is presented and debate has concluded, 240 hours are used to consider the main estimates in three sections of the Committee of Supply. The provincial budget will be delivered by the Minister of Finance on May 10, 2000.

On March 24, 2000, the Minister of Justice announced that new legislation allowing the withholding of driver's licenses until payment of fines received, would be introduced and be retroactive to April 1, 2000. The legislation would affect those persons whose licenses are up for renewal in June of this year. Persons affected would be advised of the unpaid fine and would be unable to re-

new their license until such time as the fine has been paid.

On April 17, 2000, it was announced that the Provincial Government would be moving ahead on recommendations made as a result of a review of the 1988 Aboriginal Justice Inquiry and the subsequent Aboriginal Justice Inquiry Report. The Aboriginal Justice Implementation Commission was established in the fall of 1999, headed up by **Paul Chartrand** and **Wendy Whitecloud**. The four recommendations, as indicated in the press release, that have been put forward and agreed to by the Provincial Government are:

- entering into agreements with the Assembly of Manitoba Chiefs and the Manitoba Métis Federation (MMF) to develop a plan that would result in First Nations and Métis communities developing and delivering Aboriginal child welfare services;
- amending The Interpretation Act of Manitoba to provide that all legislation be interpreted subject to Aboriginal and treaty rights;
- renouncing the provincial government's 50 per cent interest in minerals on Indian reserves; and
- initiating discussions with the MMF to address matters within the jurisdiction of Manitoba that have been the subject of recommendations by the Aboriginal Justice Inquiry and Royal Commission on Aboriginal Peoples.

With the resumption of session on April 25, 2000, two pieces of legislation, Bill (No. 9) - *The Court Security Act*, and Bill (No. 19) - *The Holocaust Memorial Day Act*, received fast tracked approval. Bill (No. 9), as outlined in the Explanatory Note, "provides for security in court areas identified by regulation. It provides for the appointment of

security officers to ensure that no unauthorized persons enter court areas with weapons. In addition, it provides for parts of the court areas to be closed to the general public, with access being restricted to judges and other authorized personnel." The bill received First Reading and Second Reading on April 25, 2000. The legislation was considered by the Standing Committee on Law Amendments on April 26, 2000, with one person from the public making a presentation. On April 26, 2000, the bill received concurrence, Third Reading and Royal Assent. The bill came into force on Royal Assent.

Bill (No. 19) - *The Holocaust Memorial Day Act* also received expedited approval. This bill establishes a day, determined by the Jewish lunar calendar, as the Holocaust Memorial Day - Yom Hashoah. The bill received First Reading on April 25 and Second Reading on April 26. The Standing Committee on Law Amendments heard representation from the public on May 1. The Bill was concurred in, received Third Reading and Royal Assent on May 1, 2000. The bill came into force on Royal Assent.

Staff Changes

Garry Clark was appointed Sergeant-at-Arms of the Legislative Assembly of Manitoba on April 2, 2000. Mr. Clark served as Deputy Sergeant-at-Arms since 1992 and is well versed on the workings of the Assembly. **Rick Yarish** was appointed Clerk Assistant/Clerk of Committees effective April 17, 2000.

Other Matters

On March 8, 2000, **Diane McGifford**, Minister Responsible for the Status of Women hosted a reception to celebrate International Women's Day. At the reception, the Minister

and Speaker **George Hickes**, launched the three week Manitoba tour of the "Famous Five National Exhibit", an exhibit sponsored by the Girl Guides, the Famous Five Foundation and the Millennium Bureau of Canada. This exhibit honours the contributions to society of five famous Canadian women: **Henrietta Edwards, Nellie McClung, Louise McKinney, Emily Murphy and Irene Parlby.**

JoAnn McKerlie-Korol

Clerk Assistant



Ontario

The Ontario Legislative Assembly resumed its meetings in April. At the outset, the Speaker advised of the vacancy in the membership of the House caused by the resignation of **Toni Skarica** (PC) as the Member for Wentworth-Burlington effective February 3, 2000. As of this writing, the date for a by-election has not been set.

The Speaker also drew Members' attention to the completion of one of the Assembly's Millennium Projects. The Speaker noted that when the Legislative Building was opened in 1893, two of the wood pillars supporting the galleries in the Chamber remained unfinished in that the Latin inscriptions were not included. All of the other pillars had been carved, with inscriptions which translate to mean "Hear the

other side" (*Audi alteram partem*) [adopted as the official motto of the Legislative Assembly, along with a new Coat of Arms, in 1992 during celebrations of Ontario's bicentennial]; "Dare to be wise, by teaching we learn" (*Sapere aude, docendo discimus*); and "Let us be viewed by our actions" (*Spectemur agendo*), among others. In 1999 the Members were asked to select mottoes for the remaining 2 pillars, and the Latin inscriptions chosen were "Good government bears fruit" (*Gubernatio bona fructum parit*) and "Let there be peace in our time" (*Pax sit tempus nostrum*). These inscriptions were carved during the Winter adjournment by Master Carver **Siggi Buhler**, completing the Legislative Chamber 107 years after its first use.

Another Millennium Project was the planting of three red oak trees on the front grounds of the Legislative building on Arbor Day 2000, April 28. The trees were planted by Speaker **Gary Carr** (PC - Oakville) together with the Dean of the House, **Sean Conway** (LIB - Renfrew-Nipissing-Pembroke) and two Legislative Pages chosen from among the group then serving the Assembly. In comments made during the planting ceremony, the Speaker noted the historic and symbolic importance of Ontario's native forests to the growth of the Province, and told those present that "just as trees like these have flourished in the environment of Ontario, the people of Ontario have flourished in our environment of freedom and democracy. By planting these trees we would like to put back into the soil what we have taken from it. Let us remember that we have a responsibility to nurture our people so we all may grow and benefit from a prosperous and stable society."

The House spent the opening days of the Spring sitting debating a motion by Premier **Mike Harris** (PC- Nipissing) which condemned the Government of Canada for cuts to base payments under the Canada Health and Social Transfer, and urging it to permanently restore these amounts and assume its fair share of increasing health-care costs. An amendment moved by the Official Opposition focussed criticism for deficiencies in the health-care system on to the Provincial Government, and a sub-amendment by the 3rd Party called upon the House to resist the privatization of health delivery services. During the fifth day of debate closure was moved, and the closure motion was accepted by the Speaker. The question on the main motion was then subsequently passed.

On the legislative front, the Attorney General, **James Flaherty** (PC - Whitby-Ajax) introduced a Bill which will provide for parents to be held responsible for wrongful acts intentionally committed by their children, and an action for damages to be brought against the parents in Small Claims Court. Parents, in defending themselves, can escape liability if it is proved they exercised reasonable supervision of the child; made reasonable efforts to discourage their child from engaging in wrongful behaviour; or that the child's activity was not intentional.

The House passed a bill establishing a registry of sex offenders. The legislation will permit the disclosure to police forces of information about persons convicted of sex offences and will require these persons to report to police so that their presence in communities is known to law enforcement.

Following consideration in committee of the creation of an Association of Former Parliamentarians, a new procedure put in the Standing

Orders in October, 1999, was used that instructs the Chair of the committee to introduce a bill if the text of the bill is adopted by the committee. *An Act to establish the Ontario Association of Former Parliamentarians* was introduced by the Chair. All of the members of the committee signed on as secondary sponsors. The bill is the first such multi-sponsored, committee-generated bill in the Ontario Parliament.

If created, the Ontario Association of Former Parliamentarians will consist of people who have previously served as elected members of the Ontario Legislature and it will work to further the following goals:

- to put the knowledge and experience of its members at the service of parliamentary democracy in Ontario and elsewhere;
- to serve the public interest by providing non-partisan support for the parliamentary system of government in Ontario;
- to foster a spirit of community among former parliamentarians;
- to foster good relations between members of the Legislative Assembly of the Province of Ontario and former parliamentarians; and
- to protect and promote the interests of former parliamentarians.

Todd Decker

Clerk of Journals and
Procedural Research

Committee Activity

During the winter recess, the Standing Committee on Finance and Economic Affairs held its Pre-budget Consultation hearings. The Committee met for five days of public hearings in Toronto, and one day in each of the following communities: Kenora, Timmins, Brockville,

Chatham, and Niagara Falls. The Committee then met for two days in open session to write its report, which was presented to the House by the Chair, **Marcel Beaubien** (PC/Lambton-Kent-Middlesex) in April.

Steve Gilchrist (PC/Scarborough East), newly elected as Chair of the Standing Committee on General Government, navigated the Committee's history-making consideration of a matter designated under revised Standing Order 124. As part of recent changes to the Standing Orders, Standing Order 124 was significantly amended to allow two committees to initiate legislation. Each permanent member of a committee, once in each session, may move that the committee consider a matter that relates to the mandate of the committee. After a two-thirds majority of committee members adopts such a motion, the committee may examine the matter, and prepare a substantive report to the House. The committee is also empowered to adopt the text of a draft bill on the subject matter.

In the first instance of a matter being considered under the revised Standing Order, the Committee examined a proposal to create the "Ontario Association of Former Parliamentarians". After hearing presentations from former M.P.P.s **Gilles Morin, John Parker, Rev. Derwyn Shea, Tony Silipo, and Terence Young**, the Committee reviewed draft legislation to establish the organization. The Committee then adopted the draft text of the bill and directed the Chair of the Committee, as provided in the Standing Order, to introduce the bill for first reading in the House. This was the first time in the history of the Ontario Legislature that a bill had its genesis in a standing committee of the Legislature.

The Standing Committee on Government Agencies, chaired by **Jim Bradley** (LIB/St. Catharines), continued its review of intended appointments to Ontario agencies, boards and commissions.

The Standing Committee on Justice and Social Policy met for one day of public hearings and clause-by-clause study of Bill 31, *An Act, in memory of Christopher Stephenson, to establish and maintain a registry of sex offenders to protect children and communities*. The Committee heard 7 oral submissions and received 14 written ones. Bill 31 was reported back to the House, where it received Third Reading and Royal Assent.

The Committee also met to elect its new Chair, **Marilyn Mushinski** (PC/Scarborough Centre). The previous Chair, **Joe Tascona** (PC/Barrie-Simcoe-Bradford), was named Parliamentary Assistant to the Minister of Education.

Under the chairship of **John Gerretsen** (LIB/Kingston and the Islands), the Standing Committee on Public Accounts devoted three weeks of public hearings to its review of the Provincial Auditor's 1999 Annual Report. Among the sections considered by the Committee were those dealing with the Family Responsibility Office, Cancer Care Ontario, and Provincial Highway Maintenance. In addition, Committee members continued their review of the Auditor's reports on the Business Transformation Project/Common Purpose Procurement (Andersen Consulting Agreement). The Committee's 1998 Annual Report, prepared but not tabled before dissolution in 1999, was presented to the House by the Chair in April.

Also during the winter recess, the Standing Committee on Regulations and Private Bills met for four days of public hearings to consider Bill 33, *An Act to require fair dealing*

between parties to franchise agreements, to ensure that franchisees have the right to associate and to impose disclosure obligations on franchisors. The Committee met in Toronto, Sault Ste. Marie, Ottawa, and London, Ontario. Clause-by-clause consideration of Bill 33 was scheduled to begin following the resumption of the House. This is the first public bill to be referred to a committee after first reading under the new Standing Order, 72(a), adopted in October 1999.

Anne Stokes
Committee Clerk



British Columbia

The British Columbia Legislative Assembly opened the Fourth Session of the Thirty-Sixth Parliament on March 15. To date, only a handful of bills have been tabled, due to the speculation that negotiations between the caucuses will establish a parliamentary calendar, creating a fall session which may be devoted primarily to the debate of legislation. Other planned legislative reforms, described in the Speech from the Throne, seek to build a more co-operative political climate in British Columbia.

Election of New Speaker

The Legislative Assembly of British Columbia convened on the morning of March 15 for the prorogation of the Third Session of the Thirty-

Sixth Parliament. Due to the earlier cabinet appointment of the **Gretchen Mann Brewin**, and her resignation as Speaker, the first order of business was the election of a new Speaker. Two Members agreed to let their names stand for election: **Bill Hartley**, (Maple Ridge-Pitt Meadows) and **Jack Weisgerber**, (Peace River South). After one ballot, a decisive result was reached, and Mr. Hartley was declared to be the new Speaker.

This session, a departure from usual practice was permitted, allowing members to cast ballots in absentia. Although Standing Order 11 states that each member must be present in the chamber to cast his or her ballot, the exception was made to accommodate members attending the memorial service for the highly respected Chief **Joe Mathias**, which was occurring the same morning in Vancouver. All parties agreed that the arrangement did not constitute a precedent that might influence future interpretation of Standing Order 11.

Appointment of New Auditor General

That same morning, based on the recommendation of the Special Committee to Appoint an Auditor General, the Legislative Assembly unanimously agreed to recommend to the Lieutenant Governor the appointment of **Wayne Strelieff** as the province's new Auditor General. Mr. Strelieff's selection by the Committee followed an open competition process that resulted in applications for the position being received from across Canada. Mr. Strelieff had been serving as the permanent Provincial Auditor of Saskatchewan since 1990. He began his new six-year appointment on May 3.

During presentation of the Special Committee's report, Chair

Rick Thorpe (Okanagan-Penticton) and Deputy Chair **Evelyn Gillespie** (Comox Valley) praised outgoing Auditor General **George Morfitt**, and thanked him for his twelve years of service to the Province. They noted in particular his achievements in the area of improved accountability reporting throughout government and his ongoing efforts to ensure that performance measures become part of timely government reporting.

Opening of New Session

The Fourth Session of the Thirty-Sixth Parliament was opened the afternoon of March 15 with the Speech from the Throne read by the Honourable **Garde Gardom**, Lieutenant Governor. The Throne Speech outlined a number of planned legislative reforms for the new session. These included:

- A call for a new culture of "civility, openness, respect and co-operation"
- A proposal to work towards the development of a parliamentary calendar
- A pledge to make more effective use of legislative committees

Discussions on these matters are currently underway between members of the Government and Official Opposition caucuses. It is hoped that sometime during the spring session an agreement acceptable to all parties will address these reform proposals.

Budget Transparency Legislation

Included in the Throne Speech was a pledge by the government to enhance provincial financial accountability. To this end, Bill 2, the *Budget Transparency and Accountability Act*, was tabled on March 27. This new legislation seeks to address criti-

cisms regarding the credibility of Budget '96, particularly the government's forecasting of a \$16 million budget surplus for the 1996/97 fiscal year, which was revised following a provincial election to a \$235 million deficit. Bill 2 sets out to reform the budget planning and estimate debate process, attempting to address concerns about the process which were documented by former Auditor General George Morfitt, an independent Budget Process Review Panel and the Official Opposition.

Specifically, Bill 2 outlines important changes to the budget-making process, including the creation of a new legislative committee, which must present a pre-budget report to the House no later than December 31. Future budgets will have to be presented earlier in the year to permit enough time to complete budget debate by March 31, and a senior civil servant will have to attest to all budget assumptions and forecasts. The new legislation also proposes to move away from the regular use of special warrants, to open the books on all major capital projects, and to include the financial details of crown corporations and other government agencies in the government's bottom line.

Special Session

Shortly after the opening of the new session, the Legislative Assembly held a special session on Sunday, April 2 to pass emergency legislation to send public school support staff back to work after a week-long strike shut down many schools throughout the province.

Due to the urgent nature of the sitting, Speaker Hartley was asked by the Government House Leader, **Dale Lovick** (Nanaimo) to permit Bill 7, the *Public Education Support Staff Collective Bargaining Assistance Act* to pass through all three stages

of the House in one day. Such a provision can be permitted under Standing Order 81 on "urgent or extraordinary occasions." The Speaker noted that all parties in the House agreed that Part 1 of the bill qualified in that it would put an end to the strike and provide a method through arbitration to bring the issues to an end. However, Opposition members objected to Part 2 of the bill, which created a process for restructuring the bargaining process, and was, in their opinion, neither "urgent" nor "extraordinary."

After some consideration, the Speaker permitted debate to continue through all stages due to the fact that the legislation specifically applied to only identified groups within school districts effected by the work stoppage. The Speaker was also asked to consider the possibility that the bill might be severed into two separate bills so that Part 2 of the bill could be dealt with separately from Part 1. Speaker Hartley adopted a 1977 ruling of Speaker Jerome of the House of Commons in Ottawa that clearly stated that the Speaker had no authority to sever a bill.

As debate continued, two government members rose to cite their concerns about the bill's negative impact on the collective bargaining process. An apparent reluctance on behalf of a handful of government members to support Bill 7 resulted in two tie votes (35 yeas - 35 nays) on separate sections. Deputy Speaker, **Tim Stevenson**, was forced to cast his vote to break the ties. Both times he voted to avoid defeating the legislation, in accordance with established practice. Bill 7 received Royal Assent later that evening after more than six hours of intensive debate.

Legislative Committees

Several legislative committees have been restructured to continue their

work from the previous session. The Select Standing Committee on Agriculture and Fisheries continues its deliberations on a new agri-food policy for British Columbia under the leadership of new Chair, **Bill Goodacre** (Bulkley Valley-Stikine). The Select Standing Committee on Forests, Energy, Mines and Petroleum Resources also has a new Chair, **Erda Walsh** (Kootenay). This committee will be continuing its review of the Forest Renewal BC Business Plan for 1999-2000 and 2000-2001. And the Special Committee on Information Privacy in the Private Sector, chaired by **Rick Kasper** (Malahat - Juan de Fuca) continues its investigation of the use of personal information in private sector business transactions.

The Select Standing Committee on Public Accounts has also been re-struck to continue its consideration of numerous outstanding reports by the Office of the Auditor General. The committee recently tabled two reports titled, *Report on the Preparedness of the British Columbia Government in Dealing with the Year 2000 Problem and Miscellaneous Matters*, which dealt with the Internet distribution of the provincial Public Accounts and the *1997/98 Annual Report of the Office of the Auditor General*.

The Public Accounts Committee has adopted a new procedure to monitor the progress of government ministries and agencies in implementing recommendations of the Auditor General and the committee. In the past, the committee had endeavoured to schedule witnesses to re-appear before it for regular progress reports. However, the committee's new procedure calls for the provision of written follow-up responses from witnesses so that they may be coordinated with the Auditor General's own follow-up audit proce-

dures. It is hoped that the new process will enable the committee to effectively receive more timely updates on the status of committee recommendations.

Kate Ryan-Lloyd
Committee Clerk



Alberta

On March 2, **Halvar Jonson**, Minister of Health and Wellness, introduced Bill 11, *Health Care Protection Act*. The Bill, which has been the subject of considerable public attention and protest, provides mechanisms for the contracting out of certain surgical services by regional health authorities. Shortly after it was introduced, the Government sent a copy of the Bill with explanatory notes to every household in Alberta.

An agreement was reached between House Leaders to provide for live television coverage of the opening of second reading debate on Bill 11 which occurred on April 4th. In Alberta, the Daily Routine, which includes Oral Question Period, is the only portion of the proceedings televised live daily. Speaker **Ken Kowalski** made arrangements for the first 3 hours of second reading debate on Bill 11 to be broadcast live on television and radio. The Assembly confirmed the House Leaders' Agreement unanimously on

March 22. The agreement provided for the Premier and Leader of the Official Opposition to speak for 30 minutes each and a speaking order of Members for the remaining 2 hours. Under the agreement, Members wishing to raise points of order were to notify the Speaker and address them the following day. No points of order were, however, raised the next day.

There have been several Speaker's rulings in Oral Question Period regarding anticipation since Bill 11 was moved for second reading. The Speaker has ruled out several questions concerning the content of Bill 11 when the Bill was scheduled to be debated that day. In Alberta, Standing Order 23(e) provides that a member will be called to order by the Speaker if that member "anticipates, contrary to good parliamentary practice, any matter already on the Order Paper or on notice for consideration on that day".

On April 19, the Speaker declared a recess after 20 minutes in Oral Question Period. The Speaker indicated he was recessing Oral Question Period due to the tone, the constant interjections, the subject matter of the questions as well as the responses, all of which were about Bill 11 which was on the Order Paper for that day.

Closure was invoked at the Committee of the Whole stage of Bill 11 on May 2 with the Government's amendments and one Opposition sub-amendment before the Committee. Members agreed to shorten the time between division bells to one minute instead of the usual 10 minutes. There were 22 divisions in total between midnight and when the House adjourned at 2:15 a.m. The previous question motion was moved and passed at second and third readings. The Bill received third reading on May 10.

Other Government Bills – Updates

- Bill 1, *Alberta Heritage Foundation for Science and Engineering Research Act*, which establishes a fund of \$500 million to support a long-term program of science and engineering research in Alberta received Royal Assent on March 23, and came into force on April 1.
- Bill 2, *First Nations Sacred Ceremonial Objects Repatriation Act*, allows for the return of religious and sacred objects to First Nations. The Bill received Royal Assent on May 5.
- Bill 6, *Special Payment Act*, enables the Workers' Compensation Board to make a one-time payment to remarried widows and widowers whose spouses died from pre-1982 work related incidents. This Bill received Royal Assent on March 23.
- On March 16, **Stockwell Day**, Provincial Treasurer, introduced Bill 18, *Alberta Personal Income Tax Act*, which would introduce a new single rate personal income tax system. The new system would take effect on January 1, 2001. The Bill would "unhook" Alberta from the federal tax system, allowing the province to determine how Alberta's income taxes are reduced in the future. The Bill also proposes higher personal and spousal exemption levels.
- Bill 19, the *Alberta Income Tax Amendment Act, 2000* was also introduced on March 16. This Bill would eliminate the eight per cent surtax retroactive to January 1, 2000.

Privilege Ruling – Media Lock-up

On March 2, **Gary Dickson**, Official Opposition House Leader, rose on a point of privilege regarding **Nancy MacBeth**, Leader of the Official Opposition, being denied access to a press briefing on Bill 11. The

press briefing took place before the afternoon proceedings on March 2, the same day the Bill was introduced in the House.

In his March 7, ruling, the Speaker explained that there were two issues: first, whether the release of Bill 11 to the media prior to first reading of the Bill in the Assembly constituted a contempt; and second, whether it was a breach of privilege to deny the Leader of the Official Opposition access to the press briefing.

During the debate on the question of privilege, Government House Leader and Minister of Justice, **David Hancock**, and **Ron Stevens** (PC), MLA for Calgary-Glenmore, indicated that the media were provided with copies marked "draft", so Speaker Kowalski ruled it could not have been the Bill introduced in the House.

Relying on rulings from the Canadian House of Commons and the Saskatchewan Legislative Assembly, the Speaker ruled that the purported release of the Bill prior to its introduction in the Assembly did not constitute a *prima facie* question of privilege.

The Speaker also ruled that denying the Leader of the Official Opposition access to the media briefing did not constitute a *prima facie* question of privilege as she was not impeded from performing her parliamentary duties. The Speaker explained that his office does not exercise control over the press conference room and that even in jurisdictions where similar rooms do come under the authority of the Speaker, restricting access to media lock-ups has not constituted a question of privilege.

Privilege Ruling – MLA Access to the Chamber

On April 19, Dr. **Raj Pannu**, Leader of the New Democrats raised a

point of privilege with respect to his being denied entry into the Legislature Building for 35 minutes on the evening of April 18 during debate on Bill 11. Due to protests inside the Legislature Building on April 17, security measures were implemented on April 18 to limit access to the building. The front doors to the Legislature Building were locked in order to keep the protesters outside but those holding passes to the galleries and other persons having business in the Building were to enter by a different door controlled by Justice personnel. Dr. Pannu ultimately gained access through this entrance. During debate, a number of Members indicated that they entered the Building without any delay by using their security cards in the pedway entrance. Dr. Pannu acknowledged that he did not have his card with him that evening.

In his April 20 ruling, Speaker Kowalski indicated that the night of April 18 was an exceptional incident in the history of the Alberta Legislative Assembly. He explained that several Members had indicated to him that they felt intimidated by what had transpired on April 17 and, therefore, appropriate security measures had been put in place by the Department of Justice, which has control over the building. The Speaker exercises control over the precincts which include the Chamber and the galleries. He also indicated that Dr. Pannu was aware of the general approach that afternoon at a House Leaders' meeting though he may not have been advised of the specifics of the security measures.

Speaker Kowalski explained that while it was regrettable that the Member was delayed in attending the Assembly on Tuesday evening, in the Chair's view, a delay in accessing the building did not constitute a denial and accordingly held

there was no *prima facie* question of privilege.

Private Members' Bills

On March 23, Bill 202, *Marriage Amendment Act, 2000*, introduced by **Victor Doerksen** (PC), MLA for Red Deer South, received Royal Assent. The Bill defines marriage as "a marriage between a man and a woman". It also includes a "notwithstanding" clause which allows the Bill to operate notwithstanding section 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms* and the *Alberta Bill of Rights*.

Bill 205, *Emblems of Alberta Amendment Act, 2000*, received Royal Assent on May 5. The Bill, introduced by **Ron Stevens** (PC), MLA for Calgary-Glenmore, recognizes the "Alberta dress tartan" as an official tartan of Alberta.

Bill 206, *School (Students' Code of Conduct) Amendment Act, 2000*, introduced by **David Coutts** (PC), MLA for Livingstone-Macleod, which mandates school boards to implement a written policy respecting student conduct, received third reading on May 10.

Leave of Absence

Provincial Treasurer **Stockwell Day** is currently on a leave of absence from cabinet since he announced he is seeking the leadership of the Canadian Alliance Party. On April 4, **Steve West**, Resource Development Minister, was appointed acting Treasurer during the period of Mr. Day's absence. Dr. West continues to serve as Resource Development Minister.

Other Events

Speaker Kowalski presided over a ceremony recognizing the Muslim festival of Eid al-Adha which took place in the Rotunda of the Legislature Building on March 20, 2000.

The program included remarks by Premier **Ralph Klein**, Mrs. **Nancy MacBeth**, Leader of the Official Opposition, and Dr. **Raj Pannu**, Leader of the NDP. A presentation was also made by the president of the Ismaili Council for Edmonton on behalf of the Muslims in Edmonton to the Winnifred Stewart Association for the Mentally Handicapped.

Speaker Kowalski also presided over a ceremony in recognition of La semaine de la Francophonie which held on March 21, 2000, in the Legislature Building Rotunda.

The second annual Mr. Speaker's Alberta Youth Parliament was held at the Legislature on April 13 and 14. The event, which is a joint project of the Alberta-Northwest Territories Command of the Royal Canadian Legion and the Legislative Assembly Office, is designed to help participating students experience life as an MLA and learn about the parliamentary process by acting as Members. This year, 81 grade 10 students from across the province came to participate in the program. **Stu Black** served as Lieutenant Governor, and Speaker Kowalski presided as Speaker. Fifteen grade 10 social studies teachers also participated in the teachers' program, the purpose of which is to enhance the teaching of citizenship and parliamentary democracy in Alberta schools.

On May 3, **Paul Langevin**, (PC), MLA for Lac la Biche-St. Paul, presented a report by the Standing Committee on Legislative Offices recommending that the current Auditor General, **Peter Valentine**, be reappointed for two years when his present term expires.

Speaker Kowalski, together with Premier Klein, hosted Alberta's Unknown Soldier Ceremony on May 3. The ceremony was in conjunction with a Royal Canadian Legion ini-

tiative to repatriate the remains of an unknown soldier from France for interment in Ottawa with soil from every province and territory. Soil was taken from the four corners of the Legislature for transport to Ottawa.

Robert Reynolds
Senior Parliamentary Counsel



Nunavut

The Third Session of the First Legislative Assembly adjourned for the summer on May 3, 2000, after forty-six sitting days. The Session opened on October 20, 1999, with a Commissioner's Address delivered by Her Honour **Helen Maksagak**.

Much has occurred in Nunavut over the past eight months. The Government introduced the Bathurst Mandate at the beginning of the Session – a comprehensive plan outlining the Government's priorities for its term of office. Entitled *Pinasuaqtavut* ("That which we've set out do to"), the mandate statement outlines four broad areas of action:

- Healthy Communities
- Simplicity and Unity
- Self-Reliance
- Continuing Learning

During the Fall sitting, six Bills received Assent. The most contentious of these was Bill 3, *An Act to Amend the Interpretation Act*. This Bill was introduced to fulfill the Government's commitment to cre-

ating a single time zone for Nunavut.

Dignitaries continue to visit the new jurisdiction. To commemorate the official opening of the Chamber, a number of Speakers and Table Officers from across Canada attended opening ceremonies in October. French President **Jacques Chirac**, accompanied by Prime Minister **Jean Chrétien**, also visited Nunavut in the Fall. The National Librarian of Canada, **Roch Carrier**, gave an address in the Legislative Library. Governor General **Adrienne Clarkson** was in Iqaluit for April 1 of this year, and attended the swearing-in ceremony for Nunavut's second Commissioner, **Peter Irniq**, in addition to addressing the Members of the Assembly.

The Third Session also proved to be pleasantly peripatetic. From February 17-29, 2000, the Assembly sat in Rankin Inlet, Nunavut's second-largest community and the centre of the Kivalliq region. In addition to routine House business, the Rankin Inlet sitting also witnessed the unveiling of the Government's new logo, and the signing of an MOU between Nunavut and Manitoba by Premiers Okalik and Doer.

Two resignations occurred in March. **Levi Barnabas** resigned his position as Speaker, and **Donald Havioyak** resigned his position as Minister of Culture, Language, Elders and Youth. Both now sit as Regular Members of the Assembly. All Members of the Legislative Assembly voted to select a new Speaker and a new Member of the Executive Council. **Kevin O'Brien**, MLA for Arviat, was selected as Speaker, and **Peter Kattuk**, Member for Hudson Bay, was selected as a Member of the Executive Council. He was appointed by Premier Okalik as Minister of Culture, Language, Elders and Youth on May 17.

To date, a total of nine Bills have received Assent this year. However, Bill 11, *An Act to Establish Nunavut Day as a Holiday*, remains before the Standing Committee on Government Operations and Services, as it conducts consultations on the initiative. The Bill would replace the current civic holiday in August with a new holiday on July 9. This would commemorate the date in 1993 on which the Governor General gave Assent to the *Nunavut Act* and the *Nunavut Land Claims Agreement Act*.

Kelvin Ng, MLA for Cambridge Bay and Minister of Finance and Administration, introduced his second budget on March 23, 2000. For the second year in a row, the Government presented a deficit-free budget. Lively debate in the House greeted the government's budget, as Members posed a significant number of questions and concerns on the areas of education and housing. The *Appropriation Act, 2000-2001*, received Third Reading on the last sitting day before extended adjournment. The budget session also witnessed the tabling of the 2000-2001 business plans of all Government departments and the Legislative Assembly.

Another notable event to occur during the Third Session was the announcement of several new official symbols for Nunavut. These are:

- Floral Emblem: Purple Saxifrage (*Saxifraga oppositifolia*)
- Official Animal: Canadian Inuit Dog (*Canis familiaris borealis*)
- Official Bird: Rock Ptarmigan (*Lagopus mutus*)

A code of Members' Obligations was developed by the Members of the Legislative Assembly this year. Members publicly committed themselves to the code in a signing ceremony held in the first week of May.

The Standing Committees of the Legislative Assembly presented a total of nine reports. The Standing Committee *Ajauqtiit* presented its reports on the selection process for three independent officers who report to the Legislative Assembly: the Conflict of Interest Commissioner, the Languages Commissioner and the Information and Privacy Commissioner. This Standing Committee is currently undertaking a public review of the Report of the Chief Electoral Officer on the first Nunavut election, as well as examining improvements to the way elections are administered in Nunavut.

Four Standing Committees presented a Joint Report on the 2000-2001 Budget and Departmental Business Plans of the Government of Nunavut. This report contains a total of forty recommendations. The Government has been requested to table a comprehensive response to the report. Finally, the membership of the Standing Committee on Rules, Procedures and Privileges was reconstituted during the Third Session. A motion was passed in the House directing the Standing Committee to undertake a comprehensive review of the Rules of the Legislative Assembly of Nunavut with a view to examining ways that the Rules can better reflect *Inuit Qaujimaqatuqangit*, while being consistent with established principles of Canadian parliamentary democracy.

Sessional Statistics to date: 46 sitting days; 132 Ministers' Statements; 416 Members' Statements; 592 Oral Questions; 16 Written Questions; 13 Petitions; 103 documents tabled; and 9 standing committee reports.

The Assembly is currently scheduled to reconvene in October. A new Education Act for Nunavut is

expected to be one of the Government's major initiatives in the Fall.

Alex Baldwin

Director, Research and Library Services



Saskatchewan

March 29th marked the opening of the spring sitting of the 24th Legislature. Finance Minister **Eric Cline** delivered the first budget of the coalition government of New Democrats and Liberals. Highlights included cuts to income taxes, an expanded provincial sales tax and significant changes to the provincial tax system. Opposition Leader **Elwin Hermanson** of the Saskatchewan Party noted that taxes would increase at midnight on March 29th while the tax reductions would be phased in over a longer period.

In addition to the normal workload of Bills and Estimates, the Assembly debated emergency resolutions condemning the freight rate increase announced by Canadian Transportation Agency and the necessity of twinning the Trans Canada Highway following several more deaths on the single lane portion. Other contentious matters included charges that the Government was funding pornography when the Saskatchewan Arts Board funded a film festival that included a discussion and showing of pornographic films.

A show of unanimity was displayed in the Assembly on May 3rd when an amendment to the *Provincial Emblems and Honours Act* was passed through all stages. The

amendment makes it possible to award the provincial Award of Merit posthumously if the nomination is made within one year of the candidate's death. Immediately following Royal Assent, Premier **Roy Romanow**, supported by the Leader of the Opposition, Mr. Hermanson, and the Leader of the Liberal caucus, **Jim Melenchuk**, read into the record a letter nominating **Sandra Schmirler** for the Award. Ms. Schmirler passed away earlier this year after an illustrious curling career in which her team won three World championships and the inaugural curling Olympic gold medal.

Farmer's Protest

The farm income crisis remained in the spotlight earlier this year when over 250 farmers arrived at the Legislative Building to voice their concerns. The Premier along with several Ministers, government backbenchers and Opposition members met with the farmers during the first week. Several farmers and their families occupied the cafeteria and dining room around the clock for seven days. Two women began a hunger strike while staying in the building to draw attention to the plight of the farming community.

The Legislative Building belongs to the citizens of Saskatchewan and accordingly, the public is usually welcome to come visit and view the proceedings. However, the presence of a large number of people in the building created challenges for the security and maintenance staff. Several meetings and other events were cancelled or moved to other government buildings as access was restricted to those with offices in the building. The farmers and their families were permitted to remain in the building overnight but all other non-employees were asked to leave by 6:30 p.m. This remained

the case until the early hours of February 14th. At that time, the remaining farmers were evacuated due to concerns for their safety after the city police received threats of violence. The farm group was not permitted to occupy the building after this point but demonstrations continued outside until February 25th. The demonstrations were peaceful and uneventful except for one occasion when the front doors of the building were chained shut.

Committees

As anticipated, MLAs have been busy with committee responsibilities. The Special Committee on Rules and Procedures, under the chairmanship of the Speaker, **Ron Osika**, has met and received proposals on a number of areas that MLAs wished to review. Three items were identified as priority issues and quickly considered by the committee. These included the use of lap-top computers in the Chamber at all times as opposed to just during Committees of the Whole; the substitution of membership on the Public Accounts Committee; and the recommendation that non-alcoholic beverages be permitted in the Chamber at all times, in discreet containers approved by the Speaker. All three recommendations were subsequently approved by the Assembly and immediately implemented.

The Special Committee on Tobacco Control has now completed its public hearings and is presently finalizing their report. It is anticipated that the report will be presented prior to the summer adjournment. The Committee was tasked with reviewing the impact of tobacco use on youth, tobacco control legislation, tobacco use bylaws and enforcement strategies.

The Special Committee to Prevent the Abuse and Exploitation of

Children through the Sex Trade has completed the first phase of its public hearings and is also considering its first report. This Committee expects to resume the second, and more extensive, public hearing process later this fall.

Visit of the Governor General

Governor General **Adrienne Clarkson** made her first official visit to Saskatchewan at the end of April. While in the province, she visited several centers and met with a variety of individuals and organizations. The official welcome to Saskatchewan took place in Regina on May 1st with a ceremony in the Legislative chamber attended by MLAs, invited guests, school children and several members of the public who happened to chose a unique day to visit the Legislature.

Officers of the Assembly

Two Officers of the Assembly were the guests of honour at teas hosted by the Speaker earlier this spring. Provincial Auditor **Wayne Strelieff** has left that position to assume the same position in British Columbia. **Fred Wendel** is acting Provincial Auditor until the position is filled. Meanwhile **Dr. Deborah Parker-Loewen** was re-appointed for a second five year term as Children's Advocate on April 7th.

Margaret A. Woods
Clerk Assistant



The National Assembly resumed its proceedings on Tuesday,

March 14, 2000. Since then, four Government bills have been passed by the Assembly, three of which concern estimates:

The following are among the bills introduced since the beginning of the spring session.

The *Act to provide for balanced budgets in the public health and social services network*, which enacts measures requiring public institutions in the health and social services network to maintain a balanced budget, and which provides that no public institution is to have a deficit at the end of a fiscal year.

The *Act to establish a national identification card*, which authorizes the registrar of civil status to issue on request a national identification card to any person domiciled in Québec whose act of birth is registered in the register of civil status. The bill describes the contents of the card, provides that the card suffices to establish the identity of the holder and specifies that the card cannot be demanded for the purpose of identification or any other purpose.

As early as the first sitting, the Government presented its 2000-2001 budget. Among the measures provided for in the budget, personal income tax reductions as well as an injection of funds in the health, youth and regional economy sectors are to be noted. The total estimated expenses are of \$46.2 billion.

On March 14, the Speaker rendered his decision regarding the request to rise on a point of privilege made by the Official Opposition House Leader and which referred to a document entitled: *Modification Possibilities for the Review of the Prescription Drug Insurance Plan* that had been released by the Minister of Health and Social Services on February 2, 2000 so that the Committee on Social Affairs could discuss it within the framework of a general

consultation which was ordered by the Assembly on December 16, 1999. This order specified that the Committee was to examine solely the report entitled *Assessment of the Prescription Drug Insurance Plan*.

The request made by the Official Opposition House Leader was declared not receivable. It cannot be concluded that by releasing the first document (Modification possibilities for the review of the prescription drug insurance plan) the Minister violated an order of the Assembly. The order adopted on December 16, 1999 addressed the Committee on Social Affairs and enjoined it to hold consultations exclusively on the report on the assessment of the prescription drug insurance plan. With regard to the document released by the Minister, its aim was to find possible solutions. As the Chair has acknowledged in other rulings, it is not in itself unacceptable for the Government to want to communicate with the public. It is in fact its responsibility to inform the citizenry of Government policies and programmes. The fact that the Minister's document may have been discussed during the public hearings of the Committee on Social Affairs is a matter of relevance which is at the discretion of the Committee chairman.

Moreover, pursuant to the provisions of Standing Order 167, before holding public hearings within the framework of a general consultation, the Committee chooses such persons and organizations having lodged submissions as it may wish to hear. The Committee therefore has, at this stage, the choice to set aside any submissions which it deems do not appear to be pertinent with regard to the order received from the Assembly.

Furthermore, the facts adduced by the Official Opposition House

Leader do not allow us to conclude at first glance that the Minister violated paragraph (4) of the *Act respecting the National Assembly*, which prohibits forging, falsifying or altering, with intent to deceive, any document of the Assembly or of a committee.

On March 23, 2000, during consideration of the supplementary estimates in Committee of the Whole, the Member for Verdun, at 6.00 o'clock p.m., raised a point of order during which he asked whether the Committee of the Whole must adjourn its proceedings in compliance with Standing Order 20, which stipulates that the Assembly may meet until 6.00 o'clock p.m.

The chairman of the Committee of the Whole stated that, at the previous sitting, the Assembly adopted a special order with regard to the consideration of the supplementary estimates. The terms and conditions for the current sitting's Orders of the Day were stipulated in this order. The order provided specifically for five exchanges to take place between Official Opposition Members and Ministers in Committee of the Whole. Under these circumstances, the Committee of the Whole therefore had the order to ensure that these five exchanges took place during this sitting and could not adjourn its proceedings before having done so. It is a well-established fact in parliamentary law that a special order of an Assembly has precedence over a Standing Order from which it implicitly departs.

Training and Information Sessions

The senior administrators of the Assembly have established a programme consisting of training and information sessions for the employees of the National Assembly, thus allowing staff not only to become better informed about their in-

stitution and its organization, but also to develop a sense of belonging as regards the Assembly.

During the first activity, which took place on March 17, employees were convened to the Assembly Room to discover – by means of various presentations, a simulation of a sitting, and explanations on all the stages of a sitting – the roles of those who sit here daily and of those who work behind the scenes, and to allow personnel to fully appreciate the historical and architectural aspects of the Assembly Room. This sitting was chaired by the Speaker of the National Assembly, **Jean-Pierre Charbonneau**. It should be mentioned that approximately 400 people took part in this activity.

The National Assembly, in partnership with Oxfam-Québec, is now promoting fair trade. Indeed, since April 18, 2000, the *Parlementaire* and *Mini-Débats* restaurants have been serving fair trade coffee. By this gesture of solidarity towards small coffee producers, the Assembly – following the example of several European parliaments and, closer to home, that of British Columbia – contributes to the establishment of more balanced North-South relations.

Denise Léonard

Secretariat of the Assembly

Committee Report

Since the National Assembly does not usually sit from the beginning of January to mid-March, parliamentary committees often take the opportunity to undertake important mandates during this period. This year again the committees devoted themselves mainly to holding public hearings, some of which were of major significance.

For instance, the Committee on Institutions held a general consulta-

tion on Bill 99, *An Act respecting the exercise of the fundamental rights and prerogatives of the Quebec people and of the Quebec State*. Under the responsibility of the Minister for Canadian Intergovernmental Affairs, **Joseph Facal**, this initiative came about in reply to Federal Bill C-20, *An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference*. The Committee heard some 58 groups and individuals, including the spokespersons of two parties represented in the House of Commons (the Reform Party and the Bloc Québécois) as well as a former Premier of Québec (**Jacques Parizeau**). At the conclusion of the proceedings, Mr. Facal proposed that the bill be reprinted, thus announcing his intention to introduce a new version thereof that would take into consideration the numerous suggestions received by the Committee.

In the health sector, the Committee on Social Affairs was called upon to make its first in-depth examination of the prescription drug insurance plan, which was established in 1996. The Assembly referred to the Committee a report tabled by the Minister of Health and Social Services, **Pauline Marois**, on the application of the *Act respecting prescription drug insurance* (R.S.Q., c. A-29.01) and on the opportunity of amending the Act, pursuant to the obligation stipulated in section 86 of this Act. Moreover, the Ministère de la Santé et des Services sociaux released a document containing several possible solutions to control the increase in costs and to provide the prescription drug insurance plan with a more secure financial foundation, as this plan is facing an unexpected rise in costs. In order to assess the situation more adequately, the Committee held a general consultation during which it

heard the views of 51 organizations and individuals on the current state of the plan and on the corrective action that should be taken. The Minister subsequently introduced in the Assembly a bill to amend the financing of the plan.

The Committee on Culture, for its part, undertook two important mandates. First, it heard 36 organizations within the framework of an order or surveillance on the Quebec Arts and Literature Council and the Society for the Development of Cultural Undertakings. In addition to giving detailed consideration to the administration, activities and orientations of these agencies, the Committee discussed Quebec's cultural policy, which the Assembly had adopted unanimously in 1992. This reflection resulted in 35 recommendations of all kinds directed at both the Government and the two aforementioned agencies. The Committee also held a general consultation on the five-year report of the Senior Citizens Council on the implementation of the *Act respecting the Conseil des aînés* (R.S.Q., c. C-57.01). The 11 groups heard by the Committee discussed several themes, including the importance of increasing the representation of the council, the need to raise awareness within the various ministries of the specific problems of senior citizens, the urgency to set forth and promote standards for the owners of private homes for senior citizens, and the management of intergenerational relations.

As for the Committee on Labour and the Economy, it undertook two

statutory orders. Firstly, the Committee examined the Hydro-Québec strategic plan 2000-2004, pursuant to the provisions of the *Hydro-Québec Act* (R.S.Q., c. H-5), which stipulate that examination of the orientations stated in the plan must be held every two years. The Committee then examined regulations respecting the settlement of disputes and grievances with regard to municipal policemen and firemen, in pursuance of the *Labour Code* (R.S.Q., c. C-27), which provides specifically that these rules must be reviewed after five years of application; to this end, the Committee heard the parties concerned. In both cases, however, the Committee did not make any recommendations.

Highway safety was on the agenda of the Committee on Transportation and the Environment this year. The Committee heard 58 groups and individuals within the framework of a general consultation on the green paper entitled: "Highway Safety in Quebec: A Collective Challenge", which was issued by the Minister of Transport, **Guy Chevrette**. This document dealt with the five following themes: the obligation to wear protective headgear when riding a bicycle, in-line skates, photographic speedmeters (photo-radar), the right turn on a red light and driving while under the influence of alcohol. Upon the conclusion of these hearings, Minister Chevrette announced the establishment of pilot projects to test photo-radars and right turns on red lights. Furthermore, he committed himself to in-

creasing his ministry's awareness campaigns in order to encourage cyclists to wear protective headgear more often. Lastly, certain innovative proposals that were made to help stop drunk driving will be studied by the Government, more specifically the engine immobilizer which prevents repeat offences by citizens convicted of driving while intoxicated.

Finally, let us mention the Study group on the work of committees. In November 1999, the Speaker of the National Assembly established a work group aiming to review the work of the parliamentary committees. The group was formed at the unanimous request of the chairmen and vice-chairmen of the standing committees, who deem it necessary to review certain practices and several rules which govern the work of committees.

This review centers mainly on the independence, capacities and efficiency of the committees, the underlying premise being that the committees of the National Assembly could do much more and much better. However, they must dispose of greater independence, better tools and more resources in order to achieve this goal.

The study group, which is chaired by National Assembly Deputy Speaker **Claude Pinard**, intends to table its report before the summer of 2000.

Charles A. Bogue
Secretariat of Committees
Translated by: **Sylvia Ford**
Secretariat of the Assembly