



Legislative Reports



House of Commons

Prior to adjourning for the summer on June 13, 2001, the House of Commons considered pay raises for Members, rule changes for Employment Insurance, reforms for the financial services sector, and more power for police to fight organized crime. Legislation that is expected to return in the fall includes an omnibus justice bill and a bill to protect species at risk.

Procedure

On May 1, Bill C-16 became the first bill in this Parliament to be referred to committee prior to second reading. The Bill, *An Act respecting the registration of charities and security information and to amend the Income Tax Act*, was referred to the Standing Committee on Finance by a motion carried on recorded division. Later that week, a second bill was referred prior to second reading. Bill C-23, *An Act to amend the Competition Act and the Competition Tribunal Act*, was referred to the Standing Committee on Industry, Science, and Technology by a motion agreed to on division.

On May 31, the Parliamentary Secretary to the Leader of the Government, **Derek Lee** (Scarborough—Rouge River, Lib.) presented the 22nd Report of the Standing Committee on Procedure and House Affairs regarding the deletion of S.O. 87(6). The Report was concurred in on June 13, 2001. On June 12, **Garry Breitkreuz** (Yorkton—Melville, PC) moved an opposition day motion that the Standing Committee on Procedure and House Affairs be instructed to draft, and report to the House no later than November 1, 2001, changes to the Standing Orders improving procedures for the consideration of Private Members' Business, including a workable proposal allowing for all items to be votable.

The Standing Committee on Procedure and House Affairs also recommended an adjustment to the parliamentary calendar. On May 15, Mr. Lee presented the 16th Report of the Committee recommending a new calendar designed to allow more Members to spend time with their families over the school break that falls between Christmas and Easter. The timing of the break will vary, and will be at the discretion of the Speaker. The total number of sitting weeks does not change, as adjustments will be made elsewhere in the calendar to compensate. The recommendation amends Standing Order 28(2) and was adopted by the House on May 15, 2001.

Following the introduction on May 30 of Bill S-15 (*An Act to enable and assist the Canadian tobacco indus-*

try in attaining its objective of preventing the use of tobacco products by young persons in Canada) the House Leader **Don Boudria** (Glenarry—Prescott—Russell, Lib.) rose on a point of order regarding the admissibility of the Bill. Bill S-15 was a private member's bill from Senator **Colin Kenny** (Lib.) and would create a Canadian Tobacco Youth Protection Foundation. The organization would be funded by a levy on each cigarette sold, to be collected by the tobacco companies on behalf of the Foundation. The Bill received widespread support from the public, health organizations, and the tobacco industry. Mr. Boudria argued that the purpose of the Bill was to impose a new tax and as such, a ways and means motion was necessary and only a Minister of the Crown may present one. Further, he stated that the Bill was essentially the same as Bill S-13 tabled in the First Session of the 36th Parliament.

At that time Speaker **Gilbert Parent** was asked to rule on the admissibility of the Bill, and he concluded that it constituted a tax bill and as such, constitutionally and procedurally could be initiated only in the House. After the interventions of several Members, Speaker **Peter Milliken** delivered a ruling on June 12, concerning the procedural acceptability of Bill S-15. He began his statement by establishing the primacy of the House of Commons in taxation matters, which was central to his ruling on this point of order. The Speaker then commented on the arguments raised by both the

supporters and opponents of Bill S-15, such as the distinction between a levy and a tax, and the Bill's purposes in relation to the public interest and the benefits to the industry. He stated that as Speaker of the House he had to be concerned with where the bill originated, for he was charged with defending the privileges of the House, particularly in a case involving the constitutional primacy of the House in respect to the imposition of taxes. Accordingly, he concluded that the levy provided for in Part IV of Bill S-15 constitutes a tax. He was therefore obliged on both procedural and constitutional grounds to order that the first reading proceedings be declared null and void and that the Bill be withdrawn from the *Order Paper*.

John McCallum (Markham, Lib.) sought unanimous consent to move a motion proclaiming **Nelson Mandela** an honorary citizen of Canada. Consent was denied by **Rob Anders** (Calgary West, CA) on the grounds that, in his opinion, Mr. Mandela was a communist and promoted terrorist actions in the fight against apartheid. The leaders of all five parties agreed through consultations to reintroduce the resolution and consent was denied several times. After consultations, Mr. Boudria rose on a point of order, and once again sought unanimous consent to move that, at 3:00 p.m. on Tuesday, June 12, 2001, the Member for Markham, (Mr. McCallum) propose, seconded by Members from each party, the motion concerning honorary citizenship for Mr. Mandela. Mr. McCallum moved that this House, recognizing the great moral leadership provided by Nelson Mandela to South Africa and to all humanity, agree that he be declared an honorary citizen of Canada. The motion was agreed to.

Deputy Speaker and Chairman of Committees of the Whole, **Bob Kilger** (Stormont-Dundas-

Charlottenburgh, Lib.), presented the Report of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons and made a short statement. Mr. Boudria stated that it was his intention pending discussions with other House Leaders, to hold a debate on the content of the Report. Some key recommendations of the Report include:

- the approval by Parliament of some key federal posts after appointment by cabinet (including the Clerk of the House and the Parliamentary Librarian),
- moving some votes up to 3 p.m. after Question Period,
- opening the House earlier for business, and
- holding committee meetings in the evenings and on Mondays and Fridays.

Privilege

The Committee on Procedure and House Affairs continued to investigate the question of privilege raised by **Vic Toews** (Provencher, CA) pursuant to its Order of Reference from the House dated March 19, 2001. On May 1, the Clerk of the House **William Corbett**, and Deputy Clerk **Audrey O'Brien**, appeared before the Committee along with **Oonagh Fitzgerald**, the Assistant Secretary to the Cabinet for Legislation and House Planning. The Committee reported its findings to the House on May 9, when Mr. Lee presented the 14th Report. The Report concluded that the privileges of the House and of its Members were breached by the provision of a briefing to the media and not to Members on certain legislation before its introduction in the House of Commons.

The Report reaffirmed the right of the House to have pre-eminence in legislative matters. However, in light of the apology by the Minister,

and the corrective protocol she established in her Department, the Committee did not recommend any sanctions. The Committee has recommended that this protocol should be adopted as a standard policy by all government departments, and that the Privy Council Office should table through a Minister, revised guidelines for dealing with these issues by October 1, 2001. The protocol ensures that no briefings or materials should be provided with respect to a bill on notice until its introduction in the House. However, it also notes that the adoption of such a policy should not prevent the accepted practice of providing courtesy copies on a confidential basis to opposition critics shortly before introduction. The Committee outlined its historic privileges and lamented the disrespect shown the House by the government administration within the Department of Justice.

On May 11, Mr. MacKay rose on a question of privilege concerning a letter the Privacy Commissioner, **George Radwanski**, wrote to the Information Commissioner, **John Reid**. Mr. MacKay argued that the letter is a direct public attack by one Officer of Parliament on the work of another Officer of Parliament and by consequence, erodes public confidence in that Officer, in Parliament, and also constitutes contempt of the House of Commons and its officials.

After the intervention of Mr. Boudria and Mr. Lee, the Speaker stated that he would take this matter under advisement and report back to the House in due course. Speaker Milliken delivered a ruling in which he stated that in itself the presentation of views by one commissioner contrary to those of another could not be considered as interference. Indeed, it must be recognized that there is a tension between the concepts found in the

Access to Information Act and those enshrined in the *Privacy Act*, and that it should come as no surprise that the Officers charged with the responsibility of implementing these two Acts may well hold differing views. Consequently, the Speaker stated that in his view, the letter did not interfere with the Information Commissioner's ability to carry out his mandate. On the matter of contempt of the House, the Speaker stressed that it was neither part of his mandate to comment on points of law nor interpret the mandate of the Commissioner under the *Privacy Act*. He suggested that if Members conclude there is a need to examine the role of the Privacy Commissioner, he would commend them to ask the Standing Committee on Justice and Human Rights to pursue a study on the question of mandate and to explore the issue of appropriate communication with both Officers themselves.

Committees

In accordance with its mandate under Section 88 of the *Official Languages Act*, the Standing Joint Committee on Official Languages conducted a study on the question of the broadcasting and availability of the debates and proceedings of Parliament in both official languages. The resulting draft report titled: "The Broadcasting and Availability of the Debates and Proceedings of the Parliament in Both Official Languages", was adopted by the Committee as amended on April 25, 2001. It was presented to the House as the 2nd Report of the Committee on May 2, 2001.

The Report aimed to study the subject in a general manner rather than focussing on specific complaints received by the Commissioner of Official Languages. The Report recognized that a solution

required the cooperation of many stakeholders, and re-emphasized the importance of delivering broadcasts of the debates and proceedings of Parliament to the public in their language of choice. A dissenting opinion was submitted by the Canadian Alliance, and the Bloc Québécois contributed a supplementary opinion.

Minister of Finance, **Paul Martin** appeared before the Standing Committee on Finance on May 17, 2001 to present an economic update. Although the Opposition Leaders are not normally members of the Committee, some attended the meeting to ask questions. Mr. Martin confirmed the surplus has grown beyond the forecast presented in October. The Alliance stated that the planned debt payments are not sufficient and that we will return to a deficit situation in a few years if Mr. Martin implements his plans. The NDP stated the planned debt payments are too large, while the Bloc questioned the validity of the economic figures being presented.

Also on May 17, 2001, all five parties united to support an opposition day motion to create a Special Committee on the Non-Medical Use of Drugs. The Special Committee will study a number of issues and at least three parties plan to raise the topic of decriminalizing marijuana under the Chairmanship of **Paddy Torsney** (Burlington, Lib.). The motion was proposed by the Canadian Alliance. The all-party committee will have 18 months to study the factors underlying or relating to the non-medical use of drugs in Canada, reporting back to the House of Commons by November 2002. The debate is expected to touch on numerous areas including: use of police resources to fight the drug trade, health risks of drug use, relations with the United States drug enforcement, decriminalization, and organized crime. All regions of

the country, and many points of view on the use of drugs are represented on the Committee.

Members from all five parties on the Human Resources Standing Committee requested substantial changes to employment insurance, based on their finding that Bill C-2, recently passed by the House, was inadequate. The Committee requested that the government study the recommendations contained in its Report and act as quickly as possible. The Liberal government has 150 days to respond to the Report.

The Standing Committee on Procedure and House Affairs considered Bill S-10, *An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate)*. Senator **Gerry Grafstein**, the Bill's sponsor in the Senate, and **Marlene Jennings** (Notre-Dame-de-Grâce—Lachine, Lib), the Bill's sponsor in the House, spoke to the content and purpose of the Bill. Through the appointment of a Poet Laureate, Senator Grafstein hopes to create an interest in the spoken and the written word, and perhaps elevate the quality of debate in Parliament. The poet would receive a small stipend over a 2-year term and would be expected to write poetry for use in Parliament on occasions of state, sponsor poetry readings, and advise the Library of Parliament on its cultural holdings. Debate ensued regarding the advisability of selecting just one Parliamentary Poet in light of Canada's two official languages. Members also debated the merit of the Bill itself, with Members of the Bloc calling it frivolous, while a Member of the NDP thanked the Senator for raising a fine idea. On June 12, the Bill was agreed to as amended, on division.

Legislation

Parliament has been very busy with legislative activity prior to the sum-

mer recess. On May 1, Bill C-9 (*Amendments to the Canada Elections Act and Electoral Boundaries Readjustment Act*) was read a third time and passed. The Act has two objectives: to address a decision of the Ontario Court of Appeal regarding the identification of the political affiliation of candidates on election ballots; and to make a number of technical and administrative changes to the new *Canada Elections Act* passed last year. The Act allows for the designation of political affiliation to appear on ballots where a candidate is part of an unregistered political party. The political party or group must run at least 12 candidates in a general election, reflecting the number that has been used to recognize political parties in the House for almost 40 years.

Bill C-7 (*An Act in respect of criminal justice for young persons and to amend and repeal other Acts*) was passed by the House on May 29, 2001. The Commons Justice Committee passed the *Young Offenders Act* on May 2 after a clause-by-clause review. The Bloc Québécois is opposed to the Bill because it would force the province to change a system that is successful for rehabilitation of young offenders. On May 23, the National Assembly of Quebec passed a motion unanimously, demanding that the Government of Canada allow Quebec to "opt out" of the new law. The legislation lowers the age of those facing adult sentences and requires supervision after release, among other things. The focus of the legislation is punishment rather than rehabilitation. For its part, the Ontario government stated that the proposed law is too lenient, and attempted to be heard in the Standing Committee on Justice but was denied. Several other provinces along with the Canadian Alliance favour tougher sanctions than those proposed in the Bill.

Bill C-24 (*An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts*) was passed by the House on June 13, 2001. The legislation includes new *Criminal Code* offences and increased authorization for police to break laws while undercover. The Bill includes new funding for police and prosecutors, outlaws participation in gang activities regardless of whether a law is broken, and offers a new definition of what constitutes a criminal organization. The bill is modelled after U.S. legislation which targets enterprises rather than individuals by making crimes committed on behalf of an organization a primary offence. The Liberals and the Alliance support the Bill, while the Bloc and the NDP have reservations and attempted to limit the scope of the Bill in committee.

The Government introduced and passed a Bill to increase the salaries of Members of Parliament, including a controversial "opting-in clause" that requires each MP to accept the increase in writing within 90 days. The opposition parties introduced various amendments in an attempt to limit the timing and amount of the raise. Conservatives moved that the pay increase should not be retroactive and should only take effect in the next Parliament, while the Alliance stated that they are against the pay raise, but that paying Members of Parliament different amounts is against party policy.

The NDP believed the pay increase was too high and introduced an amendment to reduce the increase to 10 percent from 20 percent. The pay raises proposed in the Bill are based on the recommendation of a government-appointed independent commission. The government defended the legislation by pointing to the difficult working lives of Members of Parliament

such as both public and media scrutiny, a heavy workload, separation from family members, difficult travel schedule, and a lack of job security. The vote was 211-52 in favour of the Bill. The new law allows Members of the House of Commons to earn more than Senators for the first time since Confederation.

Bill C-11, (*An act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted, or in danger*) passed on the last sitting day prior to adjournment after intensive work by the Standing Committee, hearings across the country, and hundreds of witnesses. The NDP criticized the Bill as falling short of preserving Canada's multicultural identity and failing to develop a future direction for the treatment of refugees. The NDP proposed over 80 amendments, several of which were accepted concerning the recognition of foreign credentials, the inclusion of gender-based analysis, and an emphasis on human rights. In the opinion of the NDP, the Bill also failed to promote family reunification, failed to eliminate the right-of-landing fee for immigrants, and failed to provide adequate protection for immigrant Live-in Caregivers. The immigration critic for both the Canadian Alliance and the Conservatives stated that the enforcement provisions of the Bill are too far-reaching and do not respect due process. The Bill removes legal appeal rights from landed immigrants who are convicted of a serious crime. The Minister of Citizenship and Immigration, **Elinor Caplan** stated that Canadians support tougher measures for the deportation of criminals, and that a package of regulations that will be issued after the Bill becomes law will provide the means for expanded family class immigration and improved management of the refugee system.

Other Matters

On Tuesday May 8, a ceremony was held on the Hill to unveil the portrait of **John Turner**, former Prime Minister (1984). At the beginning of June, a second unveiling took place to reveal the portrait of former House Speaker Parent.

On June 5, during Statements by Members, **Bob Speller** (Haldimand—Norfolk—Brant, Lib.) paid tribute to the memory of **William Knowles**, former Member of the House from 1968 to 1979. Mr. Lee then paid tribute to the memory of the 19 Parliamentarians who passed away during the last year, including former Prime Minister **Pierre Elliott Trudeau**.

An advisory panel on the future of the parliamentary buildings presented its report to Public Works Minister **Alfonso Gagliano** on May 3, 2001. Former Speaker of the House of Commons **John Fraser** is the chairman of the advisory panel. The report urges the government to continue renovations, construct a new building to house committee rooms and offices for senators, and to ensure that all parliamentarians are contained in a newly defined precinct. The plan is expected to take more than 20 years to complete.

The fall legislative agenda is expected to focus on the environment, the new economy, children, and Aboriginal peoples.

Bonnie Charron

Procedural Clerk

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Nunavut

The Fifth Session of the First Legislative Assembly of Nunavut reconvened on May 17 in Cambridge Bay. For the second time since the creation of Nunavut, the Assembly sat in a community outside of the capital.

Cambridge Bay is the administrative centre of the Kitikmeot region in western Nunavut. The community lies on the south end of Victoria Island, north of the Arctic Circle. Proceedings of the Assembly took place at the Kullik Ilihakvik School.

A major piece of legislation considered by the House during the sitting was the *Integrity Act*. This replaced the conflict of interest provisions in the *Legislative Assembly and Executive Council Act* with a new, stand-alone statute. The *Integrity Act* followed a comprehensive review of existing legislation conducted by Nunavut's Conflict of Interest Commissioner, **Robert Stanbury**.

Mr. Stanbury's report, *For a Culture of Integrity*, was tabled in the House during the sitting by Speaker **Kevin O'Brien**. The Bill, which received unanimous support in the House, was introduced by **Kelvin Ng**, MLA for Cambridge Bay.

Mr. Stanbury has now assumed the position of Integrity Commissioner of Nunavut. He is one of four statutory officers who report directly to the Legislative Assembly. The others are the Information and Privacy Commissioner, the Lan-

guages Commissioner and the Chief Electoral Officer.

On May 24, the Assembly held its first Midnight Sun Sitting. Cambridge Bay experiences 24-hour daylight from late April until early September. Proceedings began at 10:01 p.m. The House rose at 2:05 a.m., with the majority of seats in the public gallery still filled.

Several major documents were tabled during the sitting, including Nunavut's first set of Public Accounts. The Public Accounts are automatically referred to the Standing Committee on Government Operations and Services for review. This Committee is chaired by **Hunter Akat Tootoo**, MLA for Iqaluit Centre.

Bills passed in the Fifth Session to date are:

- *Appropriation Act, 2001-2002*
- *Supplementary Appropriation Act, No. 2, 2000-01*
- *Utility Rates Review Council Act*
- *An Act to amend the Interpretation Act (Time Zones)*
- *Nunavut Power Corporation Utility Assets Transfer Confirmation Act*
- *An Act to amend the Labour Standards Act (parental leave)*
- *Integrity Act*
- *Loan Authorization Act, 2001-02*
- *An Act to amend certain Acts concerning Health Professions*
- *Supplementary Appropriation Act, No. 1, 2001-02*

Bill 9, Change of Name Act, 2001, received second reading during the sitting. It is presently before the Legislative Assembly's Standing Committee on Health and Education, chaired by **Jobie Nutarak**, MLA for Tunnunuiq. The Standing Committee has begun a public consultation process on the proposed legislation.

For the second year in a row, Chairs of the Legislative Assembly's Standing Committees pre-

sented a joint report on the Government's 2001-2002 Budget and departmental Business Plans. Under the Rules of the Legislative Assembly, the Government must table a comprehensive response to the report and its recommendations.

Shortly after the Assembly adjourned for the summer recess, the Special Committee to review the *Official Languages Act* held its first roundtable meeting with stakeholders. The Special Committee was established in February of this year to review the territory's *Official Languages Act*. It is composed of four Regular MLAs and one Minister. It is chaired by **Rebekah Uqi Williams**, MLA for Quttiktuq.

Statistics to date for the Fifth Session include:

- 31 Sitting Days
- 94 Ministers' Statements
- 248 Members' Statements
- 270 Oral Questions
- 12 Written Questions
- 1 Reply to Opening Address
- 1 Reply to Budget Address
- 4 Petitions
- 37 Tabled Documents
- 4 Standing Committee reports

The Fifth Session will reconvene on November 14, 2001, in Iqaluit. The Full Caucus of Members of the Legislative Assembly announced that the mid-term leadership review of the Cabinet will take place on November 15 and 16. In June of 1999, all Members agreed at the Baker Lake Caucus Retreat that such a review would be held during the government's first term of office. The proceedings of this review will be open to the public.

Alex Baldwin

Director, Research and Library
Services



Manitoba

Since the last report, Manitoba has been in the midst of a busy legislative session.

Privilege

On May 1, 2001, **Darren Praznik** (Lac du Bonnet) rose on a matter of privilege alleging that the Minister of Health had misled the House on the purchase of the Pan Am Centre. Deputy Speaker **Conrad Santos** (Wellington) took the matter under advisement. On May 14, Speaker **George Hickes** (Point Douglas) delivered a ruling indicating that "a Member raising a matter of privilege which charges that another Member has deliberately misled the House or a committee must support his or her charge with proof of intent". It was ruled that the matter raised by the Member for Lac du Bonnet did not satisfy the criteria of a *prima facie* case of privilege.

On May 10, 2001, Speaker Hickes delivered another ruling regarding a matter of privilege, raised by **Bonnie Mitchelson** (River East) on April 19, 2001. The matter of privilege concerned comments spoken by Minister of Family Services and Housing, **Tim Sale** (Fort Rouge). The motion stated that the Minister of Family Services and Housing had breached the privileges of members of the opposition and requested the withdrawal of the words by the Minister and an apology to the House. Prior to the raising of this

matter of privilege, Mr. Sale had risen on a point of order and voluntarily withdrew the comments he had spoken in the previous question period. Speaker Hickes ruled that, although Members may have a grievance or a complaint or a point of order, a *prima facie* case of privilege had not been established. The ruling of the Chair was challenged and sustained on a recorded vote.

Provisional Rules

The First Report of the Standing Committee on Rules of the House implemented provisional changes were concurred in by the House on May 16. The provisional rules will be in effect until March 31, 2002 at which time there will be an assessment of them.

The most significant change had to do with the Committee of Supply. Previously, 240 hours were allotted for the consideration of ways and means and supply resolutions respecting main, interim, capital and supplementary estimates and for the consideration in the Committee of the Whole of the relevant Supply Bills. The hours have now been reduced to 140. As well, the Committee of Supply will sit on Friday mornings.

Private Members' Business was previously held each sitting day from 5:00 p.m. to 6:00 p.m. Private Members' Business is now being held on Thursday mornings from 10:00 a.m. to 12:00 p.m., except during debates on the Throne Speech or Budget Debate. The morning will consist of two separate private members' hours with rules setting out the order of business for each hour.

New notice requirements for placement of items on the Notice Paper section of the *Order Paper* were also implemented. Previously, there were no rules pertaining to intersessional filing. As well, a re-

duction of time between filing of notices sessionally and subsequent placement on the order paper were also adopted.

The way in which substitutions to the membership of the Standing Committees are made was also changed. Previously, sessional changes to Committee membership were made by motion in the House, or, if necessary, by leave in the Committee and subsequently reported to the House. Intersessional substitutions were made by leave in the Committee and reported in the Committee report. Under the provisional rules, the Whips, or a designate), must file their substitutions with the Office of the Clerk thirty minutes prior to the start of the meeting. Substitutions are allowed during a committee meeting, with leave.

Under the previous rules, the concurrence and third reading of a bill were two separate motions, with the concurrence motion being non-debatable. These two motions are now combined into one.

The process for report stage amendments has also been altered. Notice of a report stage amendment must be provided to the Clerk's Office on the day the Committee reports to the House. The following day, if approval for distribution is received, the amendment is distributed to all members in the House and, on the subsequent day, a notation is made on the order paper.

The appendices to the existing rule book and scripts pertaining to Royal Assent were re-written in "plain language".

Legislation

There were 51 pieces of legislation passed at this session. Some of the more significant pieces adopted this session were:

- Bill 24 – *The Liquor Control Amendment and Consequential Amendments Act*, which provides for

additional licensed areas to open seven days a week and also provides for limited Sunday hours for liquor outlets;

- Bill 25 – *The Health Services Insurance Amendment and Consequential Amendments Act*, allows the government to prevent private hospitals from being established in Manitoba;
- Bill 41 – *An Act to Comply with the Supreme Court of Canada Decision in M. v. H.*, legislates obligations and pension and survivor benefits for persons in same-sex relationships;
- Bill 43 – *The Auditor General Act*, establishes the position of Auditor General in Manitoba.

Of the pieces of legislation mentioned above, Bill 41 received the most public attention. Public hearings for Bill 41 were held on June 18 and June 21, hearing 59 presenters in support of and in opposition to the Bill.

Long Serving MLA

June 20, 2001, was "**Harry Enns Day**" in Manitoba's Legislative Assembly. On June 23, 2001, Mr. Enns celebrated 35 years as a Member of the Legislative Assembly of Manitoba. He presently serves the constituency of Lakeside. In honour of this event, Mr. Enns was the sole Member of the Official Opposition asking questions in Question Period!

Opposition Day Motion

On July 4, 2001, **Jack Reimer** (Southdale) moved an Opposition Day Motion regarding the True North Entertainment Complex Limited Partnership. Minister of Culture, Heritage and Tourism, **Ron Lemieux** (La Verendrye), moved an amendment to the main motion which was further amended by Mr. Praznik. The sub-amendment was defeated on a recorded vote, the amendment was agreed to

on a recorded vote and the main motion, as amended was also agreed to on a recorded vote.

Standing Committee Activity

Since the last report, Manitoba's Standing Committees have been very active. There were 3 meetings of the Agriculture Committee, 2 Economic Development, 8 Law Amendments, 4 Municipal Affairs, 1 Public Utilities and Natural Resources and 1 Rules of the House Committee. With the exception of the Public Utilities and Natural Resources and the Rules of the House Committee the other standing committees were considering legislation referred.

Travelling Standing Committee on Agriculture

The Standing Committee on Agriculture that traveled throughout the province during April and May, hearing public presentations on the resolution pertaining to federal assistance for grains and oilseeds producers, presented its report in the House on May 14. In total, 76 presentations were made to the Committee. The report of the committee was concurred in, unanimously, on May 17.

JoAnn McKerlie-Korol
Clerk Assistant



Ontario

The Ontario Legislative Assembly met until June 28, when it took its summer recess until Sep-

tember 24. During the 36 Sessional days of the second half of the Spring sitting, the House was extremely busy and ultimately passed 10 Government bills, 4 private members' public bills and 13 private bills.

Legislation passed included:

- *Oak Ridges Moraine Protection Act*, which put a 6-month freeze on development on the environmentally-sensitive Oak Ridges moraine, near Toronto. The freeze would allow the government in the interim to undertake a consultation leading to an action plan to protect those parts of the moraine that need protection.
- *Government Efficiency Act*, an omnibus bill to promote efficiency and improve government services to taxpayers.
- *Ambulance Services Collective Bargaining Act*, which ensures the provision of essential ambulance services in the event of a strike or lock-out.
- *Homes for Retarded Persons Repeal Act*, which, among other things, replaces the concepts of "retardation" and "developmental handicap" with the concept of "developmental disability".
- *Stability and Excellence in Education Act*, which, among other things, establishes professional learning requirements necessary for members of the Ontario College of Teachers to maintain their teaching certificates, and implements a mandatory re-certification program for teachers.
- *Patient Restraints Minimization Act*, which prohibits hospitals and facilities from restraining or confining patients or from using monitoring devices on them except in certain circumstances; encourages alternative methods; and requires the development of suitable policies in this regard.

Much of the Spring sitting was dominated by the government's controversial introduction of a tax credit for parents who pay tuition to send their children to independent (private or denominational)

schools. The plan, announced in the May budget, proved highly contentious, with both opposition parties strongly against it. The budget bill which contained the tax credit provision was eventually referred to a legislative committee, which held hearings at Queen's Park and in a number of cities across the province. Meanwhile, the majority of each day's Question Period was consumed with questions about the tax credit.

The Government brought in a motion to time-allocate the bill and it was eventually passed by the House on the second-last day of the Spring sitting. The credit will begin at \$700 per year and rise by like amounts over the next 5 years to a maximum credit of \$3,500, and was estimated in the budget to cost the treasury \$300 million per year when fully implemented.

During the session the Government, with the support of the Official Opposition Liberals, moved to amend the *Legislative Assembly Act* to provide for a new mechanism by which MPP's compensation will be determined. The Act had been amended only a couple years before, implementing a process that required the Speaker to appoint a Commission on Members' Compensation, in any year in which the Minister of Finance had presented a balanced budget, to recommend appropriate pay for MPPs. This first occurred in 2000. Though the Commission was duly appointed by the Speaker and made its report to the House, no consensus among members on how, or whether, to implement the recommendations was ever arrived at. Following a period of controversy surrounding members' pay, the issue eventually died.

It was renewed when the Government introduced legislation to repeal the Speaker's Commission on Members' Compensation provisions, and substitute them with a

process that gives the Integrity Commissioner, an Officer of the Assembly, the authority to review MPP's compensation whenever he deems it appropriate, and to make recommendations on the level of pay MPPs should receive. Under the legislation, the report of the Integrity Commissioner, once delivered to the Speaker, will be published in the *Ontario Gazette* and will thereupon become immediately effective with no further action on the part of the Assembly. Though supported by the vast majority of MPPs, who saw this proposal as a suitable and publicly acceptable arms-length process, the bill was opposed by the Third Party New Democrats for a number of reasons, but whose principal disagreement with it related to their contention that the proposed process would remove accountability from the Members and the House and that, the Integrity Commissioner's recommendations being binding, the principle that the House should vote on and authorize all spending would be cast aside. The Bill was nevertheless easily passed on a vote of 58-7.

The second half of the Spring sitting was procedurally busy for the Speaker, who was called upon to deliver 12 separate formal rulings in the House, 11 of them on points of privilege. One issue in particular is of significance. On June 12, members of the Ontario Coalition Against Poverty traveled to the Whitby constituency office of the Deputy Premier and Minister of Finance, **Jim Flaherty**, and staged a "mock eviction" during which office furniture, files and other property was thrown into the street and, as reported by the Minister, staff in his office were terrified and intimidated. The point of privilege, raised by the Chief Government Whip, **Frank Klees**, asked the Speaker to

determine whether a breach of privilege had occurred in this situation.

In the interim, charges were laid against various individuals in connection with the incident. The Speaker accordingly decided to defer delivering a ruling on the point of privilege, noting that:

"It is not typical for a matter of privilege to come before the House while either criminal or civil charges related to the very same incident, or incidents, complained of in the matter of privilege are pending. For this reason, and to fully observe the principal that the legislative and judicial branches of government ought to refrain from encroaching upon the proper jurisdiction of the other, I feel prudence requires me to set this matter aside until the judicial system has disposed of it."

The Speaker confirmed his right, conferred by the *Legislative Assembly Act* and by tradition, precedent and custom, to rule on the matter and he promised the House to address the point of privilege again in the future, on its merits, after all charges have been fully dealt with by the courts.

Near the end of the spring sitting, the MPP for Beaches-East York, **Frances Lankin**, announced her intention to resign her seat and to accept an appointment to head up the United Way of Greater Toronto. Ms. Lankin, widely admired by her colleagues from all Parties, was first elected to the Legislature in 1990 as a member of the **Bob Rae** NDP Government, and she held a number of ministerial portfolios. Ms. Lankin's political career was crowned when, on the second-last day of the spring sitting, the House unanimously gave second and third readings to her bill concerning patient restraints (mentioned above), a sub-

ject she had championed in the Legislature for many years.

On the last day of the spring sitting, June 28, a by-election was held in the riding of Vaughan-King-Aurora. This seat had become vacant as a result of the death in March of Conservative MPP **Al Palladini**. The Liberal candidate, **Greg Sorbara**, won the seat. Mr. Sorbara is no stranger to Queen's Park, having served as an MPP and Cabinet minister during the 1985-1990 **David Peterson** administrations. In 1995, Mr. Sorbara decided not to run for re-election. Following a 6-year hiatus, however, he has now resumed a career as an elected politician.

Todd Decker

Clerk of Journals and
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Ontario Legislative Assembly



British Columbia

As reported in the previous issue, the BC Liberal Party formed the new provincial government on May 16. Two weeks later, following recounts in the Victoria-Hillside and Victoria-Beacon Hill constituencies, the Liberals were confirmed to have elected a record 77 members to the 79-seat Legislative Assembly.

Gordon Campbell was sworn in as British Columbia's 34th Premier on June 5, along with 20 cabinet ministers and seven Ministers of State.

The Liberals' unprecedented majority in the House has given rise to some significant changes within the Legislative Assembly.

A procedural change was instituted on August 2 when the Legislative Assembly passed a Sessional Order allowing for Public Written Questions to be put during question period. Under the order, provincial or local public bodies can submit written questions to the Speaker that will be drawn by lot and read, by any private member, to a member of the executive council during question period. For the purposes of this process, provincial or local public bodies are municipal councils; regional district boards; school boards; tribal councils or band councils; chambers of commerce; trade union locals; and political parties registered under the *Elections Act*, that do not have representation in the Legislative Assembly, and that nominated at least 70 candidates and obtained at least 5 percent of the popular vote during the most recent provincial election. The procedure for Public Written Questions has been adopted on a trial basis for the 2001 legislative session.

Other procedural changes include the adoption of a legislative calendar and a Sessional Order to change the list of select standing committees.

Premier Campbell has also implemented some new measures intended to promote executive accountability. For example, according to Bill 4, the *Balanced Budget and Ministerial Accountability Act*, which passed third reading on August 13, part of each minister's yearly ministerial stipend will be withheld unless annual audits demonstrate that the government has met its yearly expenditure and performance targets and that individual ministers have reached the goals established in their respective service plans. In a related endeavor, the first of what are to be monthly open cabinet meetings took place on June 27, 2001. Finally, the July 24 Speech from the Throne announced

that government MLAs will be entitled to vote freely in the Legislature on all but confidence matters.

It should be noted that the Second Session of the Thirty-Seventh Parliament is now underway. The new government convened the First Session on the evening of June 19 in order to introduce, debate and pass Bill 2, the *Health Care Services Continuation Act*. **Gary Collins**, Minister of Finance, sought, under standing order 81, to move Bill 2 through all stages in one sitting. **Claude Richmond**, elected Speaker of the House only hours earlier, issued his first ruling as Speaker, permitting the bill to advance. The legislation instituted a "cooling-off" period during which BC's nurses and health science professionals were required to refrain from taking job action. It also required the Health Employers' Association of British Columbia, the British Columbia Nurses' Union and the Health Sciences Association to resume collective bargaining. The act expired on August 9 with the passage of Bill 15, the *Health Care Services Collective Agreements Act*.

Wynne MacAlpine

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Northwest Territories

The Fourth Session of the Fourteenth Legislative Assembly convened on June 5 and sat until June 14. The Assembly briefly reconvened for two days on July 23 and 24.

Commissioner **Glenna Hansen** opened the June Session with the traditional Opening Address, followed by a sessional statement by Premier **Stephen Kakfwi**, which provided a fiscal and economic update to the Assembly.

He highlighted several things including the second Intergovernmental Forum that took place in Inuvik in late May. **Jim Antoine**, Minister of Aboriginal Affairs, **Joe Handley**, Minister of Resources, Wildlife and Economic Development and Mr. Kakfwi participated in this important meeting attended by aboriginal leaders from across the Northwest Territories and by the federal Minister of Indian Affairs and Northern Development, **Robert Nault**. The Intergovernmental Forum was established as a means for allowing aboriginal governments, the federal government and the territorial government to come together to share information and to make joint decisions. It is the first and only forum of its kind in Canada – one that respects the place of aboriginal governments as equals at the table.

Mr. Kakfwi also highlighted the progress that has been made on Aboriginal Rights negotiations. On May 23, Mr. Antoine and Mr. Kakfwi joined Mr. Nault, Deh Cho Chiefs and the people of the Deh Cho in Fort Simpson to celebrate the signing of the *Deh Cho Framework Agreement* and the *Deh Cho Interim Measures Agreement*. Although they still have quite a bit of work ahead of them, this is a positive step for Deh Cho people toward self-government and to implementing the *Interim Measures Agreement* and beginning negotiations on an agreement-in-principle.

Mr. Kakfwi also updated the Assembly on progress in other important areas. He indicated that energy and the environment were key agenda items at the Western Pre-

miers' Conference held in Moose Jaw on May 30th to 31st. Climate change, sustainable development and production of environmentally friendly energy sources were discussed.

The North has experienced the economic impact of increased demand for energy in Canada. While this has resulted in a welcome boom in employment, business opportunities and revenues for the people of the Mackenzie Delta, Sahtu and Deh Cho, where energy reserves are located, it has also resulted in increased energy costs for everyone. While the governments of Canada and United States are aware of the significant oil and gas reserves within the Northwest Territories, the Premier has indicated that there is still much to learn and to report to the residents of the North about the immense hydroelectric potential of Northwest Territories' rivers.

The Premier also touched on Maximizing Northern Employment, the idea of matching northerners with jobs that utilize their training and skills. The current period of unprecedented economic activity in the North has significantly increased the demand for skilled technicians and trades people. Ensuring residents can take advantage of these opportunities is challenging. The Legislative Assembly will continue to work in partnership to develop the training initiatives needed so residents can access employment in any sector of the Northern economy. "These are exciting and historic times," said Mr. Kakfwi. "Our ability to work together sets us apart from the people of most other places. With our combined resolve and creative energies, we can preserve our cultural heritage while at the same time being able to seize the opportunities before us. While we have made progress, we have a tremendous amount of work still ahead of us."

Mr. Handley followed the Sessional Statement with a Minister's Statement on the Development of the Energy Potential of the Northwest Territories. He stated that the North American demand for energy currently favours the development of abundant northern energy resources. However, any resource development must result in maximum benefits to the people of the Northwest Territories. This includes ensuring that residents have access to clean, affordable and efficient energy sources. "Development of our natural resources must be done in a manner that respects our land and environment, and the unique ties we have to it," said Mr. Handley. "Our government has taken steps to ensure these principles are respected."

On June 14th, a Motion was brought forward by **Floyd Roland**, the Member for Inuvik Boot Lake. The Motion called for the establishment of an Independent Commission on Member's Compensation to review the Members' and Ministers' indemnities, expenses, allowances and benefits. The last comprehensive, independent review of these benefits was conducted in 1996 and it was recommended at that time that a review be conducted every five years.

Three people were appointed to the Commission, **Fred Carmichael**, a long-time Northerner and respected businessman; **Robert Clark**, the Ethics Commissioner for Alberta and **Red Pederson**, a former MLA, Speaker and Minister with the Legislative Assembly of the Northwest Territories.

The Commission's three main responsibilities are to:

- assess and review the additional indemnities, allowances, expenses and benefits provided to Members to determine the appropriateness of the amounts provided;

- assess and review the reporting requirements and procedures for Members' expenditures to determine the level of accountability acceptable to the public;
- review any other matter that the Commission considers relevant, respecting the compensation being provided to Members.

The Motion was subsequently carried. The Commission will conduct some public reviews as well, and will report its observations and recommendations to the Speaker of the Legislative Assembly by October 1, 2001.

Bill 9 and 10 were both introduced this Session. Bill 9, *Commercial Vehicle Trip Permit Act* was introduced during the June Session. This Bill deals with the need for commercial vehicles to obtain a trip permit before starting a trip across the boundaries of one or more prescribed zones on primary highways in the Northwest Territories. Bill 10, *Public Highway Improvement Fund Act*, was also introduced and it deals with trip permit fees and administrative penalties collected under the authority of the *Commercial Vehicle Trip Permit Act*. These fees must be paid into the fund and, subject to an appropriation, amounts can be paid out of the fund to pay costs associated with the improvement of primary highways, the principal and interest on loans taken to finance the improvement of primary highways and costs of administering the *Commercial Vehicle Trip Permit Act*. Both Bills received Second Reading and have been referred to a Standing Committee. Bill 6, *National Aboriginal Day Act*, which would designate June 21st as National Aboriginal Day, also received Second Reading and was referred to a Standing Committee.

During this sitting, three Bills received Royal Assent. These include Bill 1, *An Act to Amend the NWT Business Credit Corporation Act*; Bill 3, *An*

Act to Amend the Legislative Assembly and Executive Council Act and Bill 4, Supplementary Appropriation Act, No. 1, 2001-2002.

The Minister of Health and Social Services, **Jane Groenewegen**, released a report on the health and social services system review on June 25th. *It's Time To Act*, was commissioned by the Minister to provide an evaluation of core health and social services programs in the NWT and to make tangible recommendations for positive change.

Interested parties were given an opportunity to read the report's recommendations and provide any final comments by August 1, 2001. On July 16th, Ms. Groenewegen extended the deadline for the public to review the document to August 15, 2001. "We recognize that this is a complex issue and that some members of the public would like additional time to consider and comment on the findings of the report," Ms. Groenewegen said.

Ms. Groenewegen will table the department's formal response to the report, and an action plan for implementation, during the fall sitting of the Legislative Assembly. The plan will include specific action items in response to the report's recommendations, with timelines and anticipated outcomes.

The Assembly briefly reconvened on July 23rd so the Special Committee on Conflict Process could table a report. The Special Committee on Conflict Process was established in early June to consider the Application filed by Ms. Groenewegen with the Board of Management of the Legislative Assembly on May 7, 2001, against the Conflict of Interest Commissioner. Her Application requested that the Conflict of Interest Commissioner be removed or suspended respecting a conflict of interest complaint that has been made against Ms. Groenewegen, on the basis of rea-

sonable apprehension of bias in the investigation.

The Special Committee was originally required to report its findings back to the Assembly by July 23rd, 2001. The deadline was subsequently extended and the Special Committee now has the continued authority to consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner as well as any related matter. The deadline for reporting back to the Speaker is set for the fall Session in October. The Special Committee is currently attempting to secure witnesses to appear before the Committee, in a public hearing format, tentatively scheduled in mid-September. Immediately following the public hearings, the Committee will be preparing its final report for the Assembly.

The Fourth Session of the Fourteenth Legislative Assembly will reconvene on October 23, 2001.

Julia Heyland

Public Affairs and Communications
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Nova Scotia

The Nova Scotia House of Assembly prorogued on March 22, 2001 and a new Session opened on that day with the Speech from the Throne. As is the custom in Nova Scotia, the main order of business of this Spring's sitting was the budget. However, nineteen bills were passed. The most controversial

Government Bills were the *Financial Measures Act* and the *Government Restructuring Act*, sparking long debates and several dilatory motions. There was also a local bill introduced by a Government member who was not a member of the Cabinet, which proved to be very controversial and, indeed, was the subject of a hoist motion.

Almost all Private and Local Bills attract very little public attention, however this Bill, that was introduced not as a Government measure but by a private member upon the request of a rural municipality, permits the municipality to make grants in order to attract doctors, dentists and other healthcare professionals to locate in that municipality. Although it passed second reading without any debate it was debated for several days in the Committee of the Whole House and on Third Reading. The Liberal caucus opposed the Bill vigorously on the grounds that it would encourage bidding wars among municipalities with respect to topping off salaries of healthcare professionals. All Government members voted for the Bill and it is now law.

During the 2001 Spring sitting Speaker **Murray Scott** made several rulings which included the raising of questions of privilege. On several occasions, members rose on points of privilege which turned out to be nothing more than disagreements with other members on some question. In the rulings the Speaker emphasized that a true point of privilege is a very serious matter and arises rarely.

The House recessed on June 1, but the break was short-lived with the House reconvening for a marathon sitting beginning on June 14 and ending on June 27, consisting of 120 hours of debate on Bill 68, *An Act to Continue Healthcare Services in Nova Scotia*. All kinds of procedural devices were used by the Opposition

to delay passage of the Bill and by the Government to speed passage. The following is an account of the events that led up to this extraordinary sitting and an account of the sitting itself.

Bill C-68

Last Spring negotiations between healthcare workers and the Government for a new collective agreement broke down. By mid-June it became apparent that the several groups of healthcare workers involved would soon be in a position to go on strike legally (the first group to be in a strike position on June 27). Accordingly, on June 13, the government announced that the House would be recalled to meet on the following day to consider legislation designed to prevent the strike before it started. The announcement was, however, vague on just what shape the legislation would take.

Just before the House met, the Bill was released to the public. It prohibited a strike and provided for penalties to be imposed for all those who went on strike or who authorized a strike; it also enabled the Governor-in-Council to unilaterally impose a new collective agreement containing such terms as "the Governor-in-Council thinks fit". The Government argued that because of its precarious financial condition it could not take the chance of becoming liable to pay any large salary increases that that could be imposed by arbitration.

When the House met, passions were running high. The Government with 31 of 52 members was doing everything it could to put the legislation through before the strike occurred and both opposition parties (NDP and Liberal) with a combined strength of 20 members, (one Liberal member being absent through illness) were doing everything they could to delay its passage

for as long as possible. This tug of war, with no quarter to be given or taken, would be fought under a set of rules that does not provide for any kind of closure or time allocation (except in Committee of the Whole House) and that prohibits the House from sitting on a Saturday or a Sunday without unanimous consent, but that, at the same time, enables every member to speak once for up to one hour on any motion, guaranteeing 19 to 20 hours of debate on every motion (except a motion to adjourn).

Many dilatory tactics were used by the opposition parties to slow down the progress of the Bill, including the moving during second reading, of a hoist motion and a motion for referral of the subject-matter of the Bill to a committee, the moving of adjournment motions with requests for recorded votes on all these motions with a further request that the bells ring for the maximum time allowed, namely one hour, and requests for recorded votes on Government House Leader, **Ronald Russell's** motions made at the end of each day for extended hours the following day resulting in bell-ringing for an hour at the end of each sitting day. Another tactic was the presentation of large numbers of petitions and lengthy introductions of guests in the galleries.

On the first sitting day, Thursday June 14, the Bill was introduced and then the House rose, but reconvened at one minute after midnight on Friday June 15, with Second Reading debate continuing until 11:40 pm on Friday evening, when the House rose and then reconvened at 12:01 am on Monday, June 18 with Second Reading debate continuing until 11:59 on Monday evening. At that point, the House rose for a couple of minutes and then began its next sitting day at 12:01 am on Tuesday June 19, with Second Reading debate continuing until

8:05 on Tuesday evening when the motion for Second Reading finally came to a vote and was carried.

The Bill then went to the Law Amendments Committee where representations from the public were received. When the House reconvened on the evening of Thursday June 21, to receive the report of the Law Amendments Committee on the Bill, several opposition members complained that their privileges had been violated by the way in which the Minister of Justice and Attorney General, **Michael G. Baker**, as Chair of the Law Amendments Committee had conducted the meetings of the Committee that considered the Bill. The complaining members said that they were cut off from speaking and not allowed to offer amendments. The Speaker recessed the House in order to consider the matter and then reconvened the House to announce that a *prima facie* case of breach of privilege had been made out.

It was then agreed that the Bill be sent back to the Law Amendments Committee but be reported back the next day, Friday June 22, no later than 12 noon.

After the Bill was reported back and referred to the Committee of the Whole House, the House rose for the weekend and reconvened on Monday June 25, at one minute past midnight. The Committee of the Whole House spent the maximum time allowed by the Rule (20 hours) to consider the Bill and it was reported back to the House on Monday evening at 8:35. The House then rose and reconvened at 12:01 am on Tuesday June 26 to begin Third Reading debate on the Bill. This debate went on until 11:59 pm. The next day, being a Wednesday, is traditionally a short, four-hour day that is used for Opposition business only. However, the Government House Leader moved that this day be expanded to its limit of 24 hours,

with the first four hours being devoted to Opposition Business. This sparked very strong protests from the opposition parties, but the motion was ruled in order. Because of one hour of bell-ringing on this motion, the House did not reconvene until after 1:00 am with third reading debate continuing and finally coming to a vote at 3:22 pm, Wednesday June 27.

After the Bill passed, the Government and the unions agreed to settle the matter by a best offer settlement process with an arbitrator choosing which offer would be binding on the parties. Two sets of offers were referred to the arbitrator, one set being between the Government and the union representing registered nurses and the other between the Government and practical nurses and other healthcare workers. On August 13, the arbitrator released her decision in which she chose the offer made by the registered nurses, while on the other hand, choosing the offer made by the Government to the practical nurses and other healthcare workers.

Arthur G.H. Fordham
Assistant Clerk



Since the beginning of the new session, last March 22nd, until June 21, the day on which the Assembly adjourned for the summer holidays, 42 bills were passed. The following are among the more noteworthy of these:

- *An Act respecting parental insurance*, the object of which is to give eligible workers entitlement to maternity benefits and paternity

and parental benefits on the birth of a child, and adoption benefits in connection with the adoption of a minor.

- *An Act to amend various legislative provisions concerning municipal affairs, which supplements the principles and rules contained in the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais.*
- *An Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions, which enables this Commission to take over the decision-making responsibilities currently exercised by the office of the labour commissioner general in matters related to collective labour relations and dispose of individual complaints and proceedings brought before the labour commissioner general under the Labour Code or other Acts.*
- *An Act to establish a legal framework for information technology, whose object is to provide the Government with a framework as regards information transfer, legal security, and the norms and standards involved in communications by means of technology-based documents. This bill also provides for various ways of confirming the identity of a person communicating by means of a technology-based document, and measures to protect privacy in the context of such communications.*
- *An Act to amend the Public Health Protection Act and the Animal Health Protection Act, which enables the Government to adopt a plan of action to protect the population from the West Nile virus. The implementation of the measures in the plan providing for the use of pesticides is not subject to the provisions of any law, regulation or municipal by-law, other than the provisions of the Environment Quality Act, that would prevent or delay the implementation of the measures.*

Rulings from the Chair

Last June, President **Jean-Pierre Charbonneau** rendered important decisions concerning the neutrality of the vice-presidents.

On June 1 and 8, the neutrality of the three vice-presidents was questioned by the Official Opposition House Leader. In the three cases, the latter claimed that the positions publicly expressed by the vice-presidents regarding the matter under discussion, namely Bill 29, concerning amendments to the municipal reorganization currently underway, disqualified them from chairing the proceedings of the Assembly involving this bill.

Following the attack on the neutrality of the First Vice-President that occurred on June 1st, President Charbonneau rendered a directive, at the sitting of 6 June, on the rules that could serve as guidelines for the vice-presidents in the exercise of their political activities, in order to determine how much leeway they dispose of in this respect. Generally speaking, the vice-presidents agreed to observe the following rules:

- the vice-presidents will avoid taking part in the proceedings of the Assembly or in those of committees, especially if a contested issue is under consideration;
- if a vice-president makes known his opinion, within the framework of parliamentary deliberations, on a matter that is before the Assembly's consideration, he should avoid chairing the debates on this matter;
- the vice-presidents will vote only when there is unanimity or when the Assembly is taking the final vote on a question;
- when a vice-president takes a position on a specific matter that is before the Assembly for its consideration, this should not disqualify him from chairing the proceedings on another matter that could eventually come be-

fore the Assembly for its consideration, even if both matters concern the same subject;

- in any other circumstance, the vice-presidents shall exercise prudence and reserve when making comments.

The President indicated that it was in the observance of these rules and owing to the fact that he had openly taken a position on the municipal mergers that the First Vice-President had chosen not to chair the debate on Bill 29.

On June 12, the President rendered a second ruling, after the neutrality of the Third and Second Vice-Presidents was questioned at the sitting of June 8. He concluded that these two vice-presidents, pursuant to the aforementioned rules of conduct, were qualified to continue chairing the Assembly debates on Bill 29.

Furthermore, the President stated that, under parliamentary law, the questioning of an act accomplished by a Member representing the Chair must be done via a substantive motion which its authors qualify as "censure motion" or "want of confidence motion". He added that, henceforth, the Chair of the Assembly will not accept that its conduct be questioned unless it is done via a substantive motion.

Resignation

Prior to the adjournment of proceedings for the summer, **Céline Signori** announced her resignation as Member for the Electoral Division of Blainville. There are now four vacant seats in the Assembly.

The by-election held last 9 April having given the Quebec Liberal Party an additional seat in the House, the composition of the Assembly is now as follows: 71 Members of the Parti Québécois; 49 Members of the Quebec Liberal Party; 1 Independent Member (Action démocratique).

Interparliamentary Relations

Upon the conclusion of the proceedings of the 27th ordinary session of the Assemblée parlementaire de la Francophonie (APF) – Parliamentary Assembly of French-speaking peoples – which took place in Quebec City from 8 to 10 July of this year, President Charbonneau, was elected as chairman of this important international parliamentary forum for a term of two years.

Five other Members of the Quebec National Assembly accepted the responsibility of various duties within the APF: **Monique Gagnon-Tremblay** - Saint François, **Rita Dionne-Marsolais** - Rosemont, **Roger Bertrand-Portneuf**, **Jacques Chagnon** - Westmount-Saint-Louis, and **Jean-Claude St-André** - L'Assomption.

During their proceedings, the parliamentarians reiterated the necessity of promoting French throughout the world, democracy and the state of law. The defence of cultural diversity also was given special attention.

Parliamentary Simulations

While the APF activities were underway, the first session of the Parliament of French-speaking youth, composed of young people from some forty French-speaking States, was holding its proceedings in the Parliament Building. Close to 60 young men and women aged 16 and 17 took part in a parliamentary simulation that concluded with the adoption of the Charter of the young French-speaking citizen of the 21st century, which states the major issues of the new millennium. This Charter, which was officially presented to the parliamentarians of the APF, who were holding a plenary meeting in Quebec City, will subsequently be tabled before the French-speaking heads of State and

Government during the Francophone Summit that will be held in Beyrouth, Lebanon, October 26 to 28, 2001.

A few months prior to this, the Assembly had welcomed, for a fifth consecutive year, the participants of the Pupils' Parliament. One hundred and twenty-five 6th-grade elementary students hailing from all regions of the Province of Québec came to the Assembly and, for a few hours, "replaced" the Members in order to hold debates on legislation that they had drafted during the entire school year with their teachers.

This year, the subjects of discussion dealt with the use of the "vous" form at school, community support services for seniors, as well as the creation of an Internet site especially designed for 6th-grade students.

Francine Boivin Lamarche
Secretariat of the Assembly

Translated by Sylvia Ford
Secretariat of the Assembly



Alberta

The first session of the Twenty-Fifth Legislature adjourned on May 31, 2001 after 26 sitting days comprised of 44 afternoon and evening sessions. A record for the longest single sitting in the Alberta Legislative Assembly was broken on Monday May 28th as the evening session proceeded all night

and continued into Tuesday afternoon finally adjourning after 21 hours and 18 minutes. At the conclusion of the Spring Session on May 31st, 18 Bills had received Royal Assent. The following 3 Bills remain on the Order Paper:

Bill 16, *School Amendment Act, 2001*, revises the process for establishing charter schools; eliminates the School Buildings Board and provides the Minister with authority over school construction; amends sections concerning assessments for property taxes of public and separate school supporters; clarifies the regions governing Francophone education to protect students' linguistic and denominational rights; creates a different procedure for the establishment of separate school regions; and makes reporting to the Registrar mandatory of any employment action taken against a teacher relating to teacher misconduct.

Bill 18, *Health Professions Amendment Act, 2001*, clarifies existing policy with regards to confidentiality, educational programs, registration and practice permits, and costs of disciplinary hearings and appeals. Regulations will be set up for each profession under the Act, while each health profession affected by the Act continues to be self-governing; and

Bill 21, *Electronic Transactions Act*, outlines the legal requirements for the use of information and records in electronic form for electronic transactions, and amends and expands the use of electronic records under the *Alberta Evidence Act*.

In addition to the Government Bills, 12 Private Members' Public Bills were introduced, 3 of which passed second reading and are now at the Committee of the Whole Stage: Bill 207, *Alberta Personal Income Tax (Tools Deduction) Amendment Act, 2001*; Bill 208, *Alberta Official Song Act*; and Bill 209, *High-*

way Traffic (Bicycle Safety Helmet) Amendment Act, 2001. Five Private Bills also received Royal Assent at the conclusion of the Spring Session.

Privilege Ruling

A question of privilege was raised in the Assembly on Thursday May 24, 2001 by the Government House Leader and Minister of Justice, **David Hancock**. His purported question of privilege was based on comments made during Question Period by **Brian Mason**, (ND, Edmonton-Highlands). During Question Period that day, Mr. Mason referred to a proposed Meridian Dam project as a "pork-barrel project" which he claimed would directly benefit the Minister of Environment's constituency. Speaker **Ken Kowalski** made his ruling on the afternoon of Monday, May 28th and found that Mr. Mason's comments did not constitute a *prima facie* question of privilege. The Speaker, citing a House of Commons ruling made by Speaker Fraser in 1987, found that the comments made by Mr. Mason did not impede the Minister of Environment from performing his parlia-

mentary duties. Speaker Fraser had ruled in 1987 that allegations purporting a conflict of interest made against the then Minister of Fitness and Amateur Sport, **Otto Jelinek**, were serious but did not constitute a *prima facie* question of privilege.

On August 7th the all party Members' Services Committee approved some changes to the benefits and allowances for Members. The Committee approved an annual allowance for each Member equal to half the dollar limit for RRSP contributions set under the federal *Income Tax Act*. The Committee also approved changes to the transition allowance that Members receive upon resignation or defeat in an election. Departing Members will receive the equivalent of 3 months salary for every year served after 1989 and the equivalent of one month for every year served before March 20, 1989. The amount due a Member will now be paid in the event a Member dies while serving. The Committee also approved changes to the transportation allowance for Members and the per diem expenses. Members elected on or after 1989 do not receive pensions in

Alberta. The Fall sitting will commence on November 13, 2001.

Other Significant Events

Alberta's first Information and Privacy Commissioner, **Bob Clark**, stepped down as of September 1, 2001. Mr. Clark has been the Information and Privacy Commissioner since 1995. He will continue as the Ethics Commissioner while **Frank Work**, becomes the Acting Information and Privacy Commissioner commencing September 1st, 2001

Speaker Kowalski and the Legislative Assembly of Alberta hosted the 40th Canadian Regional Conference of the Commonwealth Parliamentary Association in Edmonton from July 17th to 22nd, 2001. The Conference was highly successful as approximately 200 delegates and guests from across Canada, and abroad attended the Conference. Business Sessions were organized around the theme, "The Future of Canadian Parliamentary Democracy."

Robert Reynolds
Senior Parliamentary Counsel