



# Legislative Reports



## Manitoba

The Manitoba Legislature has been fairly quiet since the House rose on August 9. MLAs are expected to reassemble in November or December for the beginning of the Fourth Session of the Thirty-Seventh Legislature, however there has been no word yet from the government on the timing of the next session.

### Cabinet Shuffle

On September 25, 2002, Premier **Gary Doer** announced a reorganisation of the current Cabinet. The shuffle included the creation of a new Department of Energy, Science and Technology, with **Tim Sale** (Fort Rouge) becoming the first Minister of this new department. The size of the cabinet remained at 16 with no new members and no Ministers leaving the cabinet. Other changes included:

- The former ministry of Consumer and Corporate Affairs became a division of Finance, led by the current Minister **Greg Selinger** (St. Boniface).

- **Steve Ashton** (Thompson) moved from Transportation and Government Services to become the new Minister of Conservation.
- **Oscar Lathlin** (The Pas) moved from Conservation to become the new Minister of Aboriginal and Northern Affairs.
- **Eric Robinson** (Rupert's Land) moved from Aboriginal and Northern Affairs to become the new Minister of Culture, Heritage and Tourism.
- **Drew Caldwell** (Brandon East) moved from Education, Training and Youth to become the new Minister of Family Services and Housing.
- **Ron Lemieux** (La Verendrye) moved from Culture, Heritage and Tourism to become new Minister of Education and Youth.
- **Scott Smith** (Brandon West) moved from Consumer and Corporate Affairs to become the new Minister of Transportation and Government Services.

### Royal Visit

With a visit to Winnipeg on October 8-9, Manitoba became a part of the Jubilee tour of **Queen Elizabeth II** and **Prince Philip**. The 22-hour stay included visits to several sites around the city as well as a very well attended evening event on the grounds of the Legislature featuring performances by many well known Manitoba artists including the Winnipeg Symphony Orchestra, the Royal Winnipeg Ballet, and **Loreena McKennitt**. The performances culminated with the Queen's rededication of the refurbished Golden Boy, accompanied

by a magnificent fireworks display. The Queen and Prince Philip also attended a reception with all MLAs, followed by a gala dinner in the rotunda of the Legislature attended by young people from across the province.

### Retirements

Since our last report two MLAs have announced their retirement from provincial politics. **Frank Pitura**, a member of the Legislature since 1995, announced in September that he would not be seeking re-election. Mr. Pitura served in Premier **Gary Filmon's** cabinet from 1997 to 1999 as Minister of Government Services, assuming that office just a few months before a disastrous flood engulfed the Red River valley in the spring of that year.

**Harold Gilleshammer** has also announced he will not run again. Mr. Gilleshammer, first elected to the Legislature in 1988, served in Premier Filmon's cabinet from 1990 to 1999, holding a variety of portfolios including: Family Services, Culture, Heritage and Citizenship, Labour and Finance.

Both Members have indicated they will remain active as MLAs for the balance of the current legislature. The last general election in Manitoba was held on September 21, 1999.

**Rick Yarish**  
Clerk Assistant /  
Clerk of Committees



For the purpose of bringing a solution to the temporary closing of emergency services in certain Quebec hospitals, the Members of the National Assembly were summoned by the Premier for an extraordinary sitting on July 25, 2002, in order to adopt an act to ensure the continued provision of emergency medical services.

This act provides that at the request of the Minister of Health and Social Services, the president and executive director of a regional health board must, where an institution's emergency services are interrupted or their maintenance is threatened and the Minister is of the opinion that the situation is or is likely to be prejudicial to the medical services to which every person is entitled, confer on the head of the regional department of general medicine of the regional board the responsibility of establishing a list of on-duty physicians who are to provide medical services in the emergency services facility of the institution. The act orders the physicians designated to report to the emergency services facilities of the institutions to which they are assigned and to participate in the periods of duty specified on the lists.

#### Other Matters

Pursuant to the provisions of the *Lobbying Transparency and Ethics Act* adopted on June 13, **André Côté**, Secretary General of Laval University, was appointed Lobbyists Commissioner for a term of five years, beginning on August 5, 2002.

On October 28, 2002, **Paul Bégin**, Member for the Electoral Division of Louis-Hébert, announced that he was resigning as Minister of Justice, Attorney General and Minister responsible for the administration of legislation respecting the professions, and that he would henceforth sit as an independent Member. The composition of the National Assembly is now as follows: Parti Québécois, 68 Members; Quebec Liberal Party, 51 Members; Independent Members, six (five of whom are members of the Action Démocratique du Québec).

#### Ruling from the Chair

Following the by-elections held in the spring of 2002, which modified the composition of the Assembly by increasing from two to five the number of independent Members, on October 15, 2002 the President of the Assembly, **Louise Harel**, rendered her decision, firstly, on the allocation of main questions during Oral Question Period and, secondly, on the determination of the order in which Business Standing in the Name of Members in Opposition would be taken.

As regards the allocation of main questions, the President ruled, on the basis of the precedents and practice, that she would grant the independent Members two main questions per five sittings. She also ruled that, generally speaking, these Members would continue to ask their main question in fourth place.

The President based her decision on the principles set forth in the ruling given by President **Jean-Pierre Saintonge** on December 12, 1989 as regards the distribution of oral questions. These principles are the following: The first principle establishes that every Member is entitled to ask a question. The second establishes that Oral Question Period is a privileged instrument for the con-

trol of the executive by the legislature and that, consequently, it falls primarily, albeit not solely, to the opposition. The rulings establishing this second principle refer to the parties in opposition and not to the Official Opposition.

The recognition of parliamentary groups constitutes a principle that must be applied to the first two. These principles are completed by factors that are at the discretion of the Chair, such as the key role played by the Official Opposition in parliamentary control, the composition of the Assembly, current events and the urgency of the main questions, as well as the number of supplementary questions.

In her ruling, the President also based herself on the statistics for Oral Question Period during the 34th Legislature, during which period the number of independent Members was similar to now and these Members asked approximately one question per two and a half sittings.

#### Colloquia, Seminars, Conferences on the Parliamentary System

On the initiative of the Amicale des anciens parlementaires du Québec (AAPQ), a colloquium on *The Parliamentary System in the 21st Century* was held from October 9 to 12. Under the honorary chairmanship of the President of the National Assembly, this event attracted over 200 participants, including 20 well-known speakers hailing from the Americas, Europe and Africa. Within the context of globalization, in which many question the ability of parliamentary assemblies to act, the participants were invited to take a closer look at the role and powers of Parliaments and to discuss the issues facing the parliamentary system. This colloquium brought together former Members and parliamentarians currently in office,

but also thinkers, media representatives, political scientists, legal scholars, etc.

Immediately thereafter, from October 13 to 16, another major event, organized by the Montreal International Forum, took place at the Palais des congrès in Montreal. Renowned speakers took their place at the podium during this conference on *World Governance 2002: Civil Society and the Democratization of Global Governance*, in which parliamentarians as well as leaders of civil society and world economic institutions took part. As President of the National Assembly, Mrs. Harel was responsible for the coordination of the parliamentary sector of the Conference.

Within the framework of the Bicentennial of its Library, following the conference of the Association of Parliamentary Librarians in Canada, the Assembly hosted, September 24, 2002, the *Colloquium on the History of Parliamentary Libraries*, during which the participants heard close to a dozen renowned speakers from Europe, the United States and Canada. This meeting enabled participants to form partnerships with other libraries for the purpose of pooling expertise and thus to take part in the development and evolution of tomorrow's parliamentary library. It should be mentioned that three publications relating to the history of the Library of the Quebec National Assembly were launched at the conclusion of this event.

On the occasion of the 25th anniversary of the death of **Jean-Charles Bonenfant**, the foundation bearing his name chose to honour his memory by inaugurating, last October, a series of conferences in partnership with the Faculty of Law of Laval University. During this event, which the foundation hopes will take place annually, some of Mr. Bonenfant's preferred subjects will

be discussed: the parliamentary system and the fundamental principles of public law; federalism and the division of powers; the history of institutional law; the drafting and interpretation of acts.

Close to one hundred seniors hailing from all regions of Quebec came together to take part in the third edition of the Seniors' Parliament. During their proceedings, the seniors discussed two bill proposals, respectively concerning social housing and the implementation of a universal public prescription drug insurance plan. Members of the personnel of the National Assembly provided their expertise and support throughout this activity, which was held at the Parliament Building on September 16, 17 and 18, 2002.

**Francine Boivin Lamarche**  
Secretariat of the Assembly

### Committees

Within the framework of an order of initiative on the question of corporate social responsibility and ethical investment, the Committee on Public Finance held a general consultation based on a document the Committee prepared and which is entitled *Responsabilité sociale des entreprises et investissement responsable*. During the proceedings, which took place in September, groups and individuals from various sectors – non-governmental organizations, businesses, unions, chambers of commerce – were heard by the Members. The Committee was interested in discussing, in particular, how businesses deal with pressure from investors concerned by the behaviour of the corporations in which they invest their money.

Two Committee members subsequently took part in the Americas Conference on Corporate Social Re-

sponsibility, which was held in Miami at the end of September. This Conference, whose theme was "Alliances for Development", was a unique occasion for the Members to broaden their knowledge of the various issues facing those concerned with corporate social responsibility, especially in the context of the Americas.

The members of the Committee on Education explored the issue of population fluctuation in the education sector as well as the negative impact of this phenomenon on communities. Indeed, in several parts of Quebec, especially in the regions, school populations are decreasing. However, the Committee noted that this decrease, which is generalized throughout Quebec, ought not to overshadow the fact that, in certain regions, in very specific areas, populations in the education sector are increasing significantly.

Owing to the magnitude of the decrease in populations, the Committee on Education resolved to find concrete and realistic solutions and to identify the conditions that are conducive to maintaining educational institutions and the vitality of communities. For this purpose, at the end of September and in early October, the Committee heard over thirty groups and individuals hailing from municipalities, labour organizations, the school sector, cegeps, universities and the government. Uncustomarily, the Minister of State for Education and Employment asked to be heard by the Committee.

During the month of October, the Committee on Planning and the Public Domain held special consultations on the document entitled *Mandat d'initiative sur le logement social et abordable*. Motivated by the need to find durable solutions with regard to housing scarcity, a situation which has been particularly critical in Quebec during the past

two years, the Committee members initiated a collective reflection and discussed current practices as regards housing assistance, in the medium and long term. Over thirty groups and individuals came before the Committee to give their opinion and to exchange views with the members on this important issue.

Finally, the Committee on Culture is scheduled to meet with the Minister of International Relations in order to discuss the Cultural Diversity sector, which is an element of the mission of the Observatoire québécois de la mondialisation.

### Orders of Reference and Mandates of Accountability

Since the month of August, several sectorial committees were ordered by the Assembly to hold general or special consultations on bills tabled in the Assembly. For its part, the Committee on Public Administration is currently in the process of examining the financial commitments of several ministries as well as hearing deputy ministers and head officers of agencies within the framework of its mandates of accountability. The conclusions reached will be communicated to readers upon completion of these activities.

**Denise Léonard**

Committees Secretariat  
Translation: **Sylvia Ford**  
Secretariat of the Assembly



## Yukon

**Y**ukoners went to the polls in a general election on November 4,

2002 to select Members to the 31st wholly elected legislature. To the surprise of most observers the Yukon Party won a resounding victory, capturing 12 of the Assembly's 18 seats. The New Democratic Party won five seats, while the governing Liberals won only one seat, that of leader and out-going Premier **Pat Duncan**. When the Assembly was dissolved on October 2 the Liberals held eight seats, the NDP four, the Yukon Party two, and three seats were held by independent members.

The Yukon Party victory marks the fourth consecutive general election where the sitting government has failed to win re-election. The Yukon Party was last in government from 1992-1996.

The 12 seats won on election night represents the most ever held by a party in the Yukon Legislative Assembly. The previous high was 11 seats achieved by the Progressive Conservative Party in the 1978 election and by the NDP in 1996. The Liberals reached a high of 11 in November 2000 when they added a by-election win in Faro to the 10 seats won in the general election on April 17, 2000.

Ms. Duncan called the election on October 4. As mentioned in the autumn 2002 edition of this journal the Liberal government had lapsed from a majority to a minority when, on the eve of the 2002 Spring Sitting, three government private members crossed the floor to sit in opposition as independents. The Premier, believing her government would not survive the 2002 Fall Sitting (scheduled to begin on October 17), decided to call an election to restore "certainty" and to acquire a "clear mandate."

The Yukon Party candidates elected to the Assembly include Premier-designate **Dennis Fentie** (Watson Lake); **Peter Jenkins** (Klondike); **Haakon Arntzen**

(Copperbelt); **Brad Cathers** (Lake Laberge); **John Edzerza** (McIntyre-Takhini); **Dean Hassard** (Pelly-Nisutlin); **Archie Lang** (Porter Creek Centre); **Jim Kenyon** (Porter Creek North); **Ted Staffen** (Riverdale North); **Glenn Hart** (Riverdale South); **Patrick Rouble** (Southern Lakes); and **Elaine Taylor** (Whitehorse West). Only Mr. Fentie and Mr. Jenkins have experience in the legislature, having both been elected in the general election of September 30, 1996.

The New Democrats elected include party leader **Todd Hardy** (Whitehorse Centre), **Gary McRobb** (Kluane), **Eric Fairclough** (Mayo-Tatchun), **Lorraine Peter** (Vuntut Gwitchin), and **Steve Cardiff** (Mount Lorne). Mr. Cardiff is the only true rookie among them. Mr. McRobb and Mr. Fairclough have been MLAs since 1996, while Mrs. Peter was first elected in the general election of 2000. Mr. Hardy was a member of the 29th legislature (1996-2000).

As mentioned Ms. Duncan (Porter Creek South) was the only Liberal elected. She was also elected in the general election of 1996.

Fifteen incumbent MLAs sought re-election. Six were successful. Eleven of the 18 MLAs elected are new to the Assembly while Mr. Hardy, as mentioned, is a returnee from a previous legislature.

Three women (Ms. Taylor, Mrs. Peter and Ms. Duncan) were elected to the 31st Legislature, compared to five who served in the 30th Legislature, four of whom were cabinet ministers. The number of First Nations Members also decreased from four to three (Mr. Edzerza, Mr. Fairclough, and Mrs. Peter).

The election was the first conducted according to the electoral boundaries recommended by the Electoral District Boundaries Commission in its final report in January 2002. The recommendations (incor-

porated into the *Electoral District Boundaries Act, 2002*) changed the boundaries of most electoral districts and increased the number of seats to 18 from 17.

The Yukon Party was the only party to register an increase in its percentage of the vote compared to the results of the 2000 general election. Yukon Party candidates won 40 percent of the vote, an increase of 16 percent. The NDP vote decreased to 27 percent from 33 percent, while the Liberal vote decreased to 29 percent from 43 percent. Six independent candidates running in five ridings won a total of 540 votes (4 percent of the total vote). There were no independent candidates in 2000.

Overall voter turnout was 77.5 percent, slightly lower than the turnout in the last general election. Turnout ranged from a low of 71.3 percent in Riverdale South to a high of 89 percent in Vuntut Gwitchin. Four other ridings registered a voter turnout over 80 percent.

The Yukon Party has announced that its Members will be sworn in on November 30, 2002 and the new cabinet will be announced and sworn in the same day. December 2 is identified as the date on which the Yukon Party will take over government responsibilities from the Liberals.

The incoming government has said it is interested in attaining a supplementary appropriation to create employment through winter works projects. This may mean a short legislative session before Christmas.

**Floyd McCormick**  
Deputy Clerk  
Yukon Legislative Assembly



## Prince Edward Island

The Fourth Session of the Sixty-first General Assembly opened on November 14, 2002, with the reading of the Speech from the Throne by **J. Léonce Bernard**, Lieutenant Governor of Prince Edward Island. The theme of the Government's agenda for this session was *Advancing our Quality of Life, Together*. Initiatives focusing on environmental protection, as well as the health of the Province's population were announced.

Premier **Pat Binns** announced changes to the ministry on August 22, 2002. In summary, they included the appointment of the province's first female Minister of Transportation & Public Works; a dedicated Department of Fisheries & Aquaculture; new responsibilities for four existing ministers; and the introduction of a new member to cabinet.

**Gail Shea** was appointed Minister of Transportation & Public Works. She takes over from **Don MacKinnon**, who will continue to serve as MLA for Winsloe-West Royalty. **Elmer MacFadyen**, MLA for Sherwood-Hillsborough and Government House Leader since 1996, joins the cabinet as Minister of Community and Cultural Affairs. **Jeffrey Lantz** was appointed Minister of Tourism; he will continue to serve as the Attorney General. **Greg Deighan** was appointed Minister of Fisheries and Aquaculture. **Chester Gillan** will serve as Minister of Education, and will maintain responsi-

bility for the Environment portfolio. **Jim Bagnall**, MLA for Montague-Kilmuir, was appointed Government House Leader and Chair of the Government Caucus.

### Warranting Attendance of Witnesses before a Legislative Committee

As reported in the Spring 2002 issue of *Canadian Parliamentary Review*, the Standing Committee on Agriculture, Forestry and Environment was charged with the responsibility of conducting a full and complete examination of the events leading up to and subsequent to the discovery of potato wart fungus in the Province in October 2000. The discovery led to American agricultural officials closing the border to Island potatoes, significantly damaging potato exports in the fall of 2000.

As part of its investigations, the Standing Committee invited two representatives from the federally-mandated Canadian Food Inspection Agency (CFIA) to appear before it on three separate occasions. All invitations were declined, and the Standing Committee took the unusual step of issuing warrants to compel their attendance.

The Federal Government made application to have the subpoenas stayed. The matter was heard on January 7, 2002, and an interim declaration was made, granting a temporary exemption to the CFIA officials from complying with the summonses, and setting a date of March 15 to hear the case. A further postponement was granted, and arguments were heard on June 11, 2002. The case, with its implications for limiting inquiries between provincial governments and the Federal Government, drew the attention of the Speaker of the Legislative Assembly for Ontario who was granted intervener status.

A decision from Justice **Wayne D. Cheverie** stating whether the sub-

poenas are valid and enforceable, is expected later this year.

### Other Matters

A delegation consisting of **Ron MacKinley**, Chairman of the Standing Committee on Public Accounts; Mr. Bagnall, MLA, Vice-chairman of the Standing Committee on Public Accounts; and **Marian Johnston**, Clerk Assistant and Clerk of Committees, attended the 23rd Annual Conference of the Canadian Council of Public Accounts Committees (CCPAC), held in St. John's, Newfoundland and Labrador, August 25-27, 2002.

Following the retirement on July 31, 2002, of the Province's Auditor General, there were calls for a new procedure to appoint his successor. Under current legislation, the Lieutenant Governor in Council appoints the Auditor General, and may consult the Legislative Audit Committee if it chooses. Leader of the Opposition, the Mr. MacKinley, suggested amending the *Audit Act* to give authority to the Speaker, the Provincial Treasurer and the Opposition Leader to select a new Auditor General, in consultation with the Standing Committee on Public Accounts.

The media reacted by endorsing the idea of making a fundamental change to the process. An editorial in the *Guardian* newspaper stated that having the legislature, rather than the governing party, make the appointment would reinforce the message that the position is an independent and impartial one, and that the Auditor General is directly accountable to the people's representatives.

A new Auditor General, **Colin Younker**, was appointed on October 7, 2002, in accordance with the current *Audit Act*; however, the Speech from the Throne, delivered on November 14, indicated that the

Government will introduce measures this session to "enhance the autonomy of the Auditor General."

As announced in the Speech from the Throne on November 14, 2002, the Government will appoint an independent commission to consult on and consider Prince Edward Island's electoral system and accompanying statute and regulations so it continues to reflect what Islanders require of this legislature.

**Marian Johnston**  
Clerk Assistant and  
Clerk of Committees



## British Columbia

Since August 2001, the Select Standing Committee on Finance and Government Services has, as part of its mandate, reviewed and made recommendations to the Legislative Assembly on the annual reports, budgets and service plans of British Columbia's six statutory officers. In June, the Committee heard the Information and Privacy Commissioner and the Ombudsman present the results of the statutory officers' preliminary analysis of the feasibility of sharing services as a way of realizing financial and service efficiencies. The Committee will continue to consider the matter of shared services this autumn, once it has completed its legislated pre-budget consultation process.

Three other committees dealing with statutory officers were active

this summer. On August 9, the Special Committee to Review the Police Complaint Process completed its year-long review of the procedure for resolving complaints against municipal police constables and departments in British Columbia, which is set out in Part 9 of the *Police Act*. After consulting with expert witnesses, key stakeholders and the public, the Committee issued two reports. Its report of May 30, 2002 announced the resignation of British Columbia's first Police Complaint Commissioner. Its final report, deposited August 9, 2002, offered recommendations on improving the police complaint process. The Committee's recommendations centred on four key themes: improving public confidence in the complaint process; improving the informal resolution process and encouraging its use; enhancing fairness for complainants and respondents; and clarifying the role of the Police Complaint Commissioner.

The Special Committee to Appoint a Police Complaint Commissioner is nearing the end of its selection process, and will soon recommend to the Legislative Assembly a candidate for appointment as BC's second Police Complaint Commissioner. Having gained thorough knowledge of the police complaint process and the role of the Police Complaint Commissioner during the course of their review of Part 9 of the *Police Act*, the members of the Special Committee to Review the Police Complaint Process were selected to form the appointment committee. The position of Commissioner has been vacant since May, when **Don Morrison** resigned. **Benjamin Casson**, QC, is presently the Acting Police Complaint Commissioner.

On October 10, 2002, the Special Committee to Appoint a Chief Electoral Officer tabled its report in the

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House, recommending that **Harry Neufeld** be appointed Chief Electoral Officer. Mr. Neufeld has worked in the field of electoral management for 20 years. His work experience includes assignments with Elections BC, the United Nations, Elections Canada and other Canadian and international organizations. The Committee received 59 applications for the position.

### Third Session of the House Continues

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The Third Session of the Thirty-Seventh Parliament resumed on October 7, 2002 and is scheduled to continue until November 28, 2002. Five exposure bills from the spring were debated, passed and received royal assent in October: the *Business Corporations Act*, the *Drinking Water Protection Amendment Act, 2002*, the *Election Statutes Amendment Act, 2002*, the *Human Rights Code Amendment Act, 2002*, and the *Workers Compensation Amendment Act (No. 2), 2002*. The Legislative Assembly has also passed legislation to begin implementing a regional model for delivering many of the services provided by the Ministry of Children and Family Development, the *Community Services Interim Authorities Act*.

The *Business Corporations Act* repeals and replaces the *Company Act*. Its purpose is to update previous governance requirements in response to developments in information technology and the corporate regulatory environments of other Canadian jurisdictions, and to provide greater flexibility for BC companies. The legislation is not expected to come into force until it has been amended in the spring.

The *Drinking Water Protection Amendment Act, 2002* reorients the administration of drinking water protection towards public health,

rather than the environment. It establishes the Ministry of Health Services as the lead agency for coordinating the monitoring, treatment and accountability functions that ensure safe drinking water. The Act received royal assent on October 31, but will come into force in the winter of 2002/2003, once regulations have been developed to specify groundwater protection measures; water treatment, distribution and monitoring standards; and training and certification requirements for water system operators.

The *Election Statutes Amendment Act, 2002* was introduced in the spring and left on the Order Paper for public discussion during the summer months. It received royal assent on October 31. The legislation addresses the February 2000 BC Supreme Court decision in *Pacific Press v. A.G. et al* that the *Election Act's* \$5000 spending limit on third-party election advertising, and its requirement that methodological information be published with all election opinion polls, are in contravention of the *Canadian Charter of Rights and Freedoms*. The *Election Statutes Amendment Act, 2002* removes these provisions from both the *Election Act* and the *Recall and Initiative Act*, and in addition, expands the range of charitable organizations that cannot make contributions to election or recall campaigns, and requires that the value of volunteer labour be included in political parties' disclosure statements when volunteers are being paid by a third party for their work on election campaigns.

Bill 64, the *Human Rights Code Amendment Act, 2002* finalizes a revision process that was begun during the spring sitting with Bill 53, the *Human Rights Code Amendment Act, 2002*. Bill 53 was withdrawn after first reading in order to allow for public consultations on the bill during the summer. The *Human Rights*

*Code Amendment Act, 2002* restructures the human rights system in BC by amending the *Human Rights Code* to eliminate two statutory bodies, the Human Rights Commission and the Human Rights Advisory Council. The amendments give the existing Human Rights Tribunal sole responsibility for receiving, mediating and adjudicating human rights complaints. These changes flow from the government's core services review. The administrative justice project in the Ministry of Attorney General is coordinating the core services review process for all of BC's administrative agencies.

Bill 63, the *Workers Compensation Amendment Act (No. 2), 2002* replaces Bill 56, the *Workers Compensation Amendment Act (No. 2), 2002*, which was introduced in May then withdrawn to await the results of summer consultations with stakeholder groups. The Act focuses on streamlining the workers compensation system. It eliminates three appellate bodies and replaces them with the new Workers Compensation Appeal Tribunal and a two-stage appeal process. These reforms continue the revision process that began in the spring sitting with the *Workers Compensation Amendment Act, 2002*, and reference the recommendations of the 1999 report *For the Common Good: Final Report of the Royal Commission on Workers' Compensation in British Columbia*, and the 2002 *Core Services Review of the Workers' Compensation Board (Winter Report)*.

The *Community Services Interim Authorities Act* establishes five aboriginal authorities, five regional governance authorities, and one provincial community living authority for the delivery of child protection and family development services throughout BC. These interim authorities will be in place until permanent authorities are established through legislation that

is expected to be introduced in the spring of 2003. The move to a community model for child protection, family development, child and youth mental health, and early childhood development services has emerged from a year-long consultation process and a September 2002 memorandum of understanding between the provincial government and aboriginal leaders that provides First Nations with greater authority with respect to services for aboriginal children and families.

In related news, the Office for Children and Youth, which replaced the Child, Youth and Family Advocate in February 2002, opened for operation in September. The children and youth officer reports to the Attorney General, whereas the Child, Youth and Family Advocate was an independent officer of the Legislature.

#### **Citizens' Assembly on Electoral Reform**

The government has begun planning for a citizens' assembly on electoral reform, which will be established to examine and hold public consultations on alternative electoral systems for use in BC, including preferential ballots, proportional representation, and the existing first-past-the-post system. The Attorney General, **Geoff Plant** (MLA, Richmond-Steveston), announced on September 20 that **Gordon Gibson** has been appointed to develop recommendations on creating the citizens' assembly. Mr. Gibson's mandate is to develop, by December 15, a design for the mandate and structure of the citizens' assembly, including many of the administrative details such as budget, timeline, staffing and membership.

The proposed Citizens' Assembly forms part of the government's program for democratic revitalization,

which also includes the establishment of fixed election dates, revisions to facilitate recall and initiative campaigns, and amendments to the *Election Act* to enhance disclosure of financial and non-financial contributions to political parties. Electoral reform has captured the interest of many in BC. In March 2002, the leader of the NDP, **Joy MacPhail** (MLA, Vancouver-Hastings), issued an open letter to the Premier recommending the appointment of a Commission on the reform of the electoral system to study options and consult with British Columbians. This past May, Green Party leader **Adrienne Carr** initiated referendum proceedings under the *Recall and Initiative Act* to precipitate a vote on the adoption of a mixed proportional representation system for the province. The initiative petition failed to garner the 212,473 signatures in the 90-day period required to compel a referendum.

#### **The Royal Visit to the Parliament Buildings**

On October 6, in commemoration of the Queen's Golden Jubilee, the Legislative Assembly of British Columbia welcomed **Queen Elizabeth II** and **Prince Philip**. The Speaker, **Claude Richmond** (MLA, Kamloops), and the Clerk of the House, **E. George MacMinn**, QC, were introduced to Her Majesty and His Royal Highness during their visit. It was noted that Mr. MacMinn is the longest serving table officer in the Commonwealth. Following an address by the Premier, the Queen was presented with a stained glass window – a gift to honour her 50 years as Canada's head of state. The Golden Jubilee window is now installed on the first floor of the Parliament Buildings, opposite the Diamond Jubilee win-

dow that commemorates Queen Victoria's 60-year reign.

**Wynne MacAlpine**  
Committee Research Analyst



### **Senate**

**T**he Second Session of the Thirty-seventh Parliament opened on September 30 with a Speech from the Throne read by the Governor General in the Senate Chamber. Although not yet occupied with a heavy legislative agenda, the Senate expected to deal with the usual business related to the beginning of any new session. This included the appointment of a Committee of Selection with the duties of nominating a Speaker pro tempore and the membership of committees. However, points of order concerning the Committee of Selection, in addition to questions of privilege on other subjects, were raised and preoccupied the Senate as it eased into its work schedule.

#### **Speaker's Rulings**

Senator **Lowell Murray** raised several issues relating to the Opening of Parliament and the Speech from the Throne in his point of order on October 2. His initial complaint had to do with the sound system but he was also concerned about the lack of decorum shown by some senators and guests in the gallery who applauded during the Speech from the Throne. Other Senators intervened in support of Senator Murray and added their own observations



to the point of order. After lengthy consideration, the Speaker ruled on October 29 that there was little he could do to control the proceedings connected to the Speech from the Throne. However, he undertook to prepare a document which he hoped would help to explain the traditions and practices of the Opening of Parliament to those who would attend the next opening.

The appointment of the Committee of Selection is an important step in the legislative process for it is not until that committee is formed that it can nominate, not only a Speaker *pro tempore*, but the membership of committees so that the best known work of the Senate can begin in earnest.

The disagreement about the Committee of Selection began on October 3 when Senator **Noël A. Kinsella**, Deputy Leader of the Opposition, proposed a motion in amendment that based the nomination of Senators to select committees on the principle that one third of the membership of all committees would be from the official opposition. At that point in the debate, Senator **Fernand Robichaud**, Deputy Leader of the Government, rose on a point of order to protest the motion in amendment which he understood to be an instruction to a committee requiring notice. The Speaker did not agree, however, and ruled that the amendment simply expanded the order of reference and was in order.

Government Leader **Sharon Carstairs**, on another point of order concerning the Committee of Selection, disagreed when the Opposition Whip requested a deferred vote. She maintained that the motion had to be passed that day to allow the committee time to meet and report on the nomination of the Speaker *pro tempore* by the fifth sitting day, in compliance with Rule 85(2). At issue was the interpreta-

tion of Rule 85(2) and whether that particular rule or other rules prevailed in this case. The Speaker's decision was that it was not timely to rule on the point of order because the Senate had not yet reached the fifth sitting day. This ruling was appealed but not upheld. No further action was required, however, when an agreement was announced which allowed the Committee of Selection to be appointed with an instruction to report on two items: the Speaker *pro tempore* and the membership of the Social Affairs, Science and Technology Committee on the fifth day.

On October 8, Senator **Anne Cools** rose on a question of privilege claiming that certain remarks made about the monarchy by the Deputy Prime Minister and Minister of Finance, **John Manley** impeded her ability to perform her parliamentary duties since she could not support a government that expressed such views. The Speaker ruled on October 9 that the personal nature of Mr. Manley's comments did not suggest that they were intended to reflect the position of the government. For that reason, he failed to find a *prima facie* case of privilege.

When Senator Murray rose on October 23 on a question of privilege it was to object to the intention of the Social Affairs, Science and Technology Committee to deposit a report with the Clerk of the Senate on a day when the Senate was not sitting. He argued that since the report was ready it ought to be tabled as soon as possible while the Senate was sitting. In his ruling the next day, the Speaker noted that by granting permission, to the committee to deposit any report with the Clerk of the Senate without qualification, the Senate had in fact waived its right to receive the report first. He ruled there was no *prima facie* question of privilege.

## Committees

A number of Senate committees received permission from the Senate in the First Session to table their reports on special studies with the Clerk of the Senate during the summer adjournment:

The Twelfth Report of the Official Languages Joint Committee entitled *The Justice System and Official Language Communities* dealt specifically with the justice system and its impact on section 41 of the *Official Languages Act*.

In *Canada, Russia and Ukraine: Building a New Relationship*, the Foreign Affairs Committee became the first Canadian parliamentary committee to undertake an in depth study of Russia and Ukraine.

The Banking, Trade and Commerce Committee investigated a study of the economic effects of the "clogged" borders on Canadian business and the economy in its Eighteenth Report entitled *Our Shared Border: Facilitating the Movement of Goods and People in a Security Environment*.

The National Finance Committee in its Twentieth Report entitled *Managing and Marketing the Goose Bay, Labrador Airfield*, recommended more effective management and marketing of the assets of this important public facility.

In its report *An Environment for Prosperity: Facilitating the Growth of Small and Medium-sized Businesses in Canada*, the Banking, Trade and Commerce Committee moved the focus towards equity financing and away from debt financing.

Two other reports tabled with the Clerk of the Senate just prior to the prorogation of the First Session gained special attention. The Eighth Report of the Senate Committee on National Security and Defence entitled *Defence of North America: A Canadian Responsibility* was a continuation of the committee's

mandate to examine the need for a national security policy for Canada. The committee recommended that the Government upgrade Canada's coastal defence and re-institute the training of Canada's land troops.

The other significant report was the Fifth Report of the Special Senate Committee on Illegal Drugs entitled *Cannabis: Our Position for a Canadian Public Policy*. After a two-year study of public policy related to marijuana, it was the committee's main recommendation that cannabis should be legalized.

On October 8, the Senate adopted the First Report of the Committee of Selection nominating Senator **Lucie Pépin** as Speaker *pro tempore*. Second and Third Reports, dealing with the membership of committees were adopted on October 8 and October 22.

A proposal to create a Standing Committee on Official Languages had been the subject of debate in the Senate many times in recent years. This objective was finally reached on October 8 when the Senate adopted a motion amending rule 86 of the Rules of the Senate to create the new Senate Committee. It will be responsible for considering all issues relating to official languages and better fulfill the Senate's constitutional role to protect minorities in Canada.

*The Health of Canadians-The Federal Role: Recommendations for Reform*, a report of the Social Affairs, Science and Technology Committee, chaired by Senator **Michael Kirby**, was tabled on October 25 in the Senate. The sixth volume of this committee's review of Canada's health care system completed two and a half years of study. The major recommendation of the committee was that Canadians should pay an additional \$5 billion per year to help fund the restructuring of the medical system.

On October 31, the Rules, Procedures and the Rights of Parliament Committee was asked to clarify the intent of Rule 95(3) which requires that a committee obtain an order of the Senate to meet during adjournments of the Senate that would exceed a week. On November 7 the Committee presented its Second Report which recommended that when the Senate adjourns for more than a week, committees of the Senate be allowed to meet on any working day of a week during which the Senate is sitting.

The National Security and Defence Committee's request to travel was the subject of some debate on November 6 and 7. The problem arose when the committee explained it had been offered transportation by the Department of National Defence to visit the NORAD facility in Colorado Springs. This raised the question of whether it was appropriate for a committee to accept sponsored trips. Discussion ranged from the independence of committees and the need for transparency to technical problems with the motion and its scope. In the end, the Senate agreed to refer the question to the Privileges, Procedures and the Rights of Parliament.

### Legislation

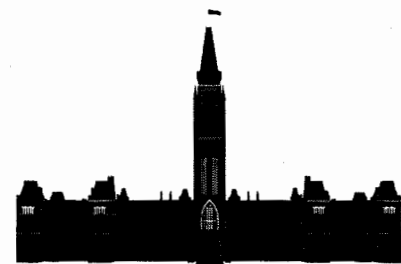
Although early in the new session, a few government bills have completed second reading and been referred to committee. Bill C-5, the *Species at Risk Act* is currently before the Energy, the Environment and Natural Resources Committee. Three bills are presently being studied in the Social Affairs, Science and Technology Committee: Bill C-8, *An Act to protect human health and safety and the environment by regulating products used for the control of pests*; Bill C-11, *An Act to amend the Copyright Act*, and Bill C-12, *Physical Ac-*

*tivity and Sport Act*. Already nine Senate bills have been introduced in the Senate. One of these, Bill S-2, *Tax Conventions Implementation Act, 2002*, has completed three readings in the Senate and is presently in the House of Commons. The others, all Senate public bills, are at various stages in the legislative process.

### Milestones

Tributes were paid to Senator **Nick Taylor** who retired from the Senate on November 17 as well as to the memory of Senator **Ron Duhamel**, P.C., who died on September 30 and former Senators **Louis de Gonzague Giguère** who died on June 16, **Jean-Pierre Côté** who died on July 10 and **Hartland de Montarville Molson** who died on September 28.

Mary Mussell  
Senate Journals



### House of Commons

The second session of the 37<sup>th</sup> Parliament commenced on Monday, September 30<sup>th</sup> with the Speech from the Throne delivered by Governor General **Adrienne Clarkson**, to both Houses of Parliament in the Senate Chamber. **Réginald Bélair** (Timmins-James Bay, Lib.) was reappointed as Deputy Chairman of Committees of the Whole House and **Eleni Bakopanos** (Ahuntsic, Lib.) was reappointed Assistant Deputy Chairman of Committees of the Whole House. The six days of debate on the Ad-

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dress in Reply to the Speech from the Throne were held over the next several weeks ending with the motion on the Address being adopted on Tuesday, October 22<sup>nd</sup>, 2002.

The controversy that raged in the early days of the session regarding alleged interventions by **Lawrence MacAulay**, the Solicitor General, in the consideration of applications for grants and contracts in his home province of Prince Edward Island subsided when the Minister resigned from Cabinet on October 22<sup>nd</sup>.

Several days later **John Manley**, the Deputy Prime Minister and Minister of Finance tabled two documents entitled: *Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence and Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report*.

Other highlights during this period include a take-note debate on the international situation concerning Iraq (October 1-3), a second take-note on the state of the Canadian Coast Guard (November 6), and an emergency debate on Canadian agriculture (October 7).

### Procedure

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The new session began with a number of procedural stand-offs as the Government attempted to get parliamentary business underway. On October 3<sup>rd</sup>, **Carol Skelton** (CA) rose on a point of order and called upon the Speaker to review a motion on the Order Paper in the name of Mr. Boudria. The motion dealt with a number of items including the reinstatement of Government bills from the previous session, the reappointment, mandate and membership of the Special Committee on the Non-Medical Use of Drugs in Canada, the adducing of Standing

and Special Committee evidence from the previous session and a proposal to empower the Finance Committee to travel for pre-budget consultations. Ms. Skelton argued that the motion was procedurally and ethically wrong because it contained four separate and distinct parts, each capable of standing on its own. She added that it was therefore impossible for Members to debate and cast their votes responsibly and intelligently on the motion. Speaker Milliken ruled on the matter the following day, and while allowing most components of the motion to be debated together, he ordered that it be split into two distinct questions for voting purposes. He directed that the portion of the original motion seeking permission for the Finance Committee to travel be dealt with as a separate item. Following the ruling, Mr. Boudria gave notice of closure on the debate on the two new motions which were subsequently agreed to on October 7<sup>th</sup>, 2002. It should be noted that for the first time since it was adopted, S.O. 67.1(1), which provides for a 30-minute question and answer period, was applied to a closure motion.

Disagreements between the Government and the Opposition on the striking of committees became the subject of the next procedural wrangle, which occupied the House over several days. The first report of the Procedure and House Affairs Committee, tabled on October 21<sup>st</sup>, set out the proposed membership for standing committees. The second report of the same committee, tabled on October 29<sup>th</sup>, recommended the election of Chairs and Vice-Chairs of Committees by secret ballot. For several days, the Government and the Opposition tussled over attempts to concur in the two reports, with the Government trying to have the membership lists adopted and the

Opposition holding out for agreement on the secret ballot proposal. On October 31<sup>st</sup>, the recommendations of the committee's second report were debated as a supply day motion, which itself had given rise to a test of the new rules providing for one day's notice of Opposition motions. The first report of the Committee was concurred in on October 24<sup>th</sup>, while the Opposition motion for secret ballot elections was agreed to on a deferred division held November 5<sup>th</sup>.

Two other Opposition motions were also adopted in the first weeks of the session. The first, put forward by the Bloc Quebecois, provides for the automatic referral of all government appointments of ambassadors, consuls general and heads of regulatory bodies and Crown corporations to the appropriate Standing Committee for consideration. The second motion, put forward by Stephen Harper on behalf of the Canadian Alliance, provides that, before Kyoto Protocol is ratified, the Government should put forward an implementation plan that Canadians understand, that sets out the costs and the benefits, and describes how the targets are to be reached.

### Private Members' Business

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On October 24<sup>th</sup>, a point of order was raised by Mr. Boudria regarding Private Members' Bill C-252 in the name of **Pat Martin** (NDP), which sought to remove an existing tax exemption for business. Mr. Boudria argued that because the bill had as an objective the removal of a deduction from the *Income Tax Act*, it would have the effect of increasing taxes on particular individuals and, as such, would require the adoption of a Ways and Means motion. In a ruling delivered by Acting Speaker, Eleni Bakopanos, the Chair concluded that the bill would constitute an increase in taxes for a

specified group of taxpayers and therefore would indeed require a Ways and Means motion. She therefore declared the first reading proceedings on Bill C-252 null and void and ruled that the order for second reading of the bill be discharged and the bill withdrawn from the *Order Paper*.

The Fourth Report of the Standing Committee on Procedure and House Affairs relating to proposed changes to Private Members' Business procedures was adopted by the House on November 6<sup>th</sup>. The Report will have the effect of rendering all items of Private Members' business votable unless the sponsoring Member doesn't wish the matter to be voted upon, or they are found to be "non-admissible" by a panel consisting of one Member from each recognized party in the House. The Panel will be able to report directly to the House, unlike its predecessor, which was a sub-committee of the Standing Committee on Procedure and House Affairs. A number of further recommendations were made to guide the Panel in its work, although the criteria for admissibility have been left to the Panel to determine. The Committee recommended that the package of changes be implemented on a provisional basis, until the end of the 37<sup>th</sup> Parliament, with a review of how effective the changes are to take place within one year of their implementation. *Standing Orders* are currently being drafted to implement the

changes and will be presented to the House prior to the Christmas break.

### Committees

Further to the disputes in the House relating to the adoption of the report on committee membership, and the subsequent adoption of the Opposition motion calling for election of Committee Chairs and Vice-Chairs by secret ballot, elections were duly held for these positions and Committee work got underway in mid-November. Interestingly, of the 18 Standing Committees, only three held secret ballot elections for the position of Chair. The situation was different, however, for the position of Vice-Chairs. Committees each have two vice-chairs, one from the Government party and one from the opposition. The Standing Orders do not specify that the opposition Vice-Chair be a Member of the Official Opposition, but tradition has been that the second Vice-Chair is normally from that party. Following all the wrangling over the motion to hold secret ballot elections, 10 secret ballot elections were held for the opposition Vice-Chair elections and in six of those instances, the Canadian Alliance candidates were defeated by opposition members from the other three opposition parties.

Earlier in the session, the House had received a message from the Senate stating that the Senate would no longer participate in the Standing Joint Committee on Official Languages and it then created its own

Standing Committee on Official Languages. Subsequently, on October 30<sup>th</sup>, the House adopted an amendment to its Standing Orders for the purpose of establishing a Commons Standing Committee on Official Languages.

### Other Matters

During the debate on the Address in Reply to the Speech from the Throne, tributes were paid to the memory of Senator **Ron Duhamel**, who was a Member of the House from 1988 to 2002. The Speaker also called upon Members to observe a minute of silence in memory of Mr. Duhamel.

On October 11<sup>th</sup> 2002, **John Richardson** (Lib.) made a short statement to give notice of his intention to resign his seat for personal reasons. Tributes were paid to Mr. Richardson by Members of all parties and the Deputy Speaker announced that a warrant would be addressed to the Chief Electoral Officer for a by-election in his riding of Perth-Middlesex, Ontario.

Tributes were also paid to Major-General **Maurice Gaston (Gus) Cloutier**, the Sergeant-at-Arms of the House of Commons for his 50 years of public service. Major-General Cloutier was appointed as Sergeant-at-Arms and Canadian Secretary to the Queen in 1978.

**Nancy Hall**  
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