



Legislative Reports



The Members of the National Assembly met for an extraordinary sitting, at the request of the Premier, on Wednesday, July 16, 2003, to complete consideration and adoption of the estimates of expenditure for the 2003-2004 fiscal year, to introduce, pass in principle and pass the consequent appropriation bill, and to complete the consideration of and pass Bill 1, *An Act respecting proposals for the administrative reorganization of certain municipalities and amending various legislative provisions*.

This Act, which is now entitled *An Act to amend various legislative provisions concerning municipal affairs*, amends the *Charter of Ville de Montréal* and municipal acts, more particularly as regards the current unfunded actuarial liability of various pension plans for municipal employees.

Colloquia, seminars, conferences

At the invitation of the Secretary General of the National Assembly, **François Côté**, the Canadian clerks met in Quebec City, August 11 to 16, 2003, on the occasion of the Annual General Assembly and of the 2003 edition of the Professional Development Seminar of the Association of Clerks-at-the-Table in Canada.

Other than the Canadian participants, clerks from Australia, Belgium, the United States and the United Kingdom enthusiastically accepted the invitation. Several delegates were accompanied by their spouses and children for whom various cultural and recreational activities were organized.

The workshops, held in the Legislative Council Room of the Parliament Building, dealt with various subjects such as parliamentary privileges, the development of human resources, the organization of documentary resources supporting parliamentary proceedings, ethics and Members, electronic democracy, etc.

The President of the Assembly, **Michel Bissonnet**, headed the Quebec parliamentary delegation that attended the 17th session of the France-Quebec Interparliamentary Commission which took place in Paris, from September 15 to 19, 2003, during which parliamentarians made an assessment of the forty years of France-Quebec cooperation and discussed the integration of immigrants. This delegation consisted of Members **Maxime Arsenau** (Îles-de-la-Madeleine), **Roch Cholette** (Hull), **Normand Jutras** (Drummond) and **Dominique Vien** (Bellechasse).

At the completion of their work, the members of the Commission adopted a resolution in which they recommend an annual assessment of the France-Quebec cooperation programmes and encourage the systematic exchange of information on legislation and programmes un-

derway, for the purpose of better informing future immigrants to France and Quebec on the tools at their disposal.

Furthermore, in order to increase reciprocal knowledge of the organization and proceedings of both national assemblies, the members of the Commission would like the next "agreement" signed by both Presidents to include a public servants and parliamentary assistants exchange programme between both assemblies.

As the year 2004 will mark the 25th anniversary of the Commission, President Bissonnet invited his French counterpart, **Jean-Louis Debré**, to head the French delegation for the holding of the 18th session of the Commission, in Quebec City.

Appointment

Last 10 September, the Premier assigned the Member for Lavolette, **Julie Boulet**, the responsibility of assisting the Minister of Transport in the capacity of Minister for Transport. She was also given the responsibility of issues concerning the Mauricie region.

Mrs. Boulet thus becomes responsible for the road network as well as the planning and realization of roadwork on Quebec's territory. Furthermore, the Minister for Transport exercises duties relating to regional transportation plans as well as those relating to the administration of the *Act respecting off-highway vehicles* and the *Act respecting the Société des traversiers du Québec*.

Administrative organization plan

At its meeting of September 11, 2003, the Office of the National Assembly adopted a new administrative organization plan. As the Secretary General stated in a memorandum addressed to all employees, the purpose of this reorganization is to provide better support to the Chair and to the Secretary General by consolidating the principal functions of support to parliamentary, institutional and administrative affairs.

The changes mainly involve the creation of two new general directorates, under the responsibility of **Michel Bonsaint** (parliamentary affairs) and **Marcel Lacharité** (institutional affairs). Other changes also were carried out within the various administrative units. The Secretary General took the opportunity to congratulate all persons who were called upon to take on new managerial responsibilities within the organization: **Doris Arsenault**, Director of Material Resources and Restaurants; **Juliette Champagne**, Director of Protocol and Visitor Services; **Christian Comeau**, Interim Director of the Secretariat of Committees; **Frédéric Fortin**, Director of Communications; **Hélène Galarneau**, Director of Interparliamentary and International Relations; **Lucie Giguère**, Director of the Secretariat of the Assembly; **Patricia Rousseau**, Assistant to the Associate Secretary General of Parliamentary Affairs, and **Hélène Sanfaçon**, Assistant Director of Debates Broadcasting.

Another appointment was confirmed by the Office of the Assembly October 1, 2003, namely that of **Martin-Philippe Côté**, as Director of Debates Broadcasting, a position that had become vacant owing to the retirement of **André Lavoie**.

Following a competition open to the professionals of various minis-

tries, **Jean-Pierre Drapeau** obtained the position of Director of the Publishing Division of the Legislative Translation and Publishing Services Branch. Prior to this, Mr. Drapeau acted as environmental and sustainable development specialist at the office of the Auditor General. His appointment became effective on September 22, 2003.

Parliamentary simulations

Some one hundred seniors hailing from all over Quebec took part in the fourth edition of the Seniors' Parliament. During the simulation, the seniors discussed and adopted two proposals for Acts concerning respectively the fight against abuse and violence towards seniors and the promotion of quality of life of seniors residing in private homes.

As is the custom, members of the National Assembly personnel provided their professional and technical expertise throughout this activity, which was held at the Parliament Building, from September 15 to 17, 2003.

Pedagogical programmes

Each year in September since its creation in 1978, the Fondation Jean-Charles-Bonenfant welcomes four scholars for a ten-month internship at the National Assembly, during which these young university graduates have the opportunity to increase their knowledge of democratic and parliamentary institutions and learn more about the role and work of Members. The scholar-interns each benefit from a \$15,000 scholarship.

The candidates chosen by the selection committee for the current year are:

- **Pierre-Marc Daigneault**, Bachelor of Political Science, McGill University (Montréal).
- **Jérôme Laflamme**, Master's degree in 20th century Canadian

history, York University (Toronto).

- **Frédéric Legendre**, Degree in Economics and in Administration, University of Montreal and the École des Hautes Études Commerciales.
- **François Rivet**, Master's degree in 19th century Québec history, University of Quebec in Montreal.

The internship comprises three main elements: the discovery of the National Assembly and a comparative study with other Canadian and foreign parliamentary institutions, the twinning with a Member of the parliamentary group forming the Government followed by the twinning with a Member from the parliamentary group forming the Official Opposition, and the drafting of a research paper on the parliamentary institutions of Quebec.

Francine Boivin Lamarche

Secrétariat de l'Assemblée

Committees

Last June, the Committee on Planning and the Public Domain was given a mandate to hold a general consultation on Bill 9, *An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities*. This autumn, the Committee heard over 85 groups and individuals on this subject, all hailing from different walks of life. Persons representing municipalities, unions, municipal parties, citizens' groups, experts and non-profit organizations came to give their opinion on this bill which grants the citizens of certain municipalities the right to express their opinion on the changes occurring since 2000 in municipal territorial organization.

The Committee on Institutions heard 14 groups and individuals during a special consultation on Bill

4, *An Act to amend the Act respecting administrative justice*, which amends the Act to establish that proceedings brought before the Administrative Tribunal of Quebec shall be heard and determined by a single member, except where otherwise specially provided. Also, four groups were invited to come before the Committee to give their views on Bill 6, *An Act to amend the Highway Safety Code and the Code of Penal Procedure as regards the collection of fines*, which allows all parking offences to be added to those for which a collector may request the Société de l'assurance automobile du Québec to suspend a licence.

The Committee on Social Affairs held special consultations on two bills. First, eight organizations and individuals came before the Committee to voice their opinion on Bill 8, *An Act to amend the Act respecting childcare centres and childcare services*, which defines, in a declaratory manner, the status of home childcare providers recognized as such by a childcare centre permit holder and provides, in the same manner, that neither the home childcare providers nor any adult assisting them or person in their employ are employees of the childcare centre permit holder. Subsequently, eight groups were also heard on Bill 7, *An Act to amend the Act respecting health services and social services*, which specifies, in a declaratory manner, that an intermediate resource or a family-type resource is deemed not to be in the employ of or an employee of the public institution that calls upon the services of the resource and that any agreement between them to determine the applicable rules of operation is deemed not to constitute a contract of employment.

Orders in compliance with the Standing Orders and statutory orders

This fall, the Committee on Public Administration heard the Auditor General of Quebec on her annual management report, her Strategic Plan, 2003-2006, and her financial commitments for 2002-2003, followed by the Deputy Minister of Revenue concerning the development of the Ministry's information systems and, finally, the Deputy Minister of Natural Resources, Wildlife and Parks, concerning Government grants to non-profit organizations. The Committee intends to pursue its accountability mandates this autumn, more particularly by hearing the Deputy Minister of Relations with the Citizens and Immigration and the Chief Executive Officer of the Régie de l'assurance maladie du Québec with regard to their annual management reports.

Finally, in pursuance of certain provisions of the *Act respecting educational institutions at the university level*, the Committee on Education heard, at the end of September, the head officers of six universities on their financial reports for 2001-2002. Since December 2002, the Act has been amended so that the Committee hears the head officers of the 19 institutions at least once every three years rather than annually. The performance contracts – that the universities had signed with the Education Ministry in 2001 and which ended this year – were the focal point of discussions between the members of the Committee and the head officers of the universities.

Denise Léonard

Secrétariat des commissions

Translation: **Sylvia Ford**

Secretariat of the Assembly



British Columbia

Described as a “clean-up session” by the Minister of Finance and Government House Leader, **Gary Collins** (Vancouver-Fairview), Members of the Legislative Assembly returned to Victoria on October 2 to continue debate on numerous exposure bills introduced during the spring sitting. As of October 31, 13 Government Bills, three Members' Bills and nine Private Bills have been introduced, making for a total of 100 pieces of legislation debated so far during the Fourth Session. Under the parliamentary calendar, the House will continue to sit until November 27.

Public Bills

One of the more controversial bills brought forward during this sitting was the *Skills, Development and Labour Statutes Amendment Act, 2003* (Bill 37). This bill amended the *Employment Standards Act* to establish more flexible rules concerning the employment of children aged 12 to 15, particularly for children employed in the film industry and in family-run businesses. The bill also implemented mandatory penalties for employers who violate employment standards *vis-à-vis* children. The Opposition decried this component of the bill, claiming that the amendments would result in British Columbia having the weakest child labour laws in Canada.

As well, several bills pertaining to environmental and resource management have been granted Royal Assent during this sitting. The *Land Amendment Act, 2003* (Bill 46) enables the Lieutenant-Governor-in-Council to designate areas of Crown land for various uses, as well as to set management objectives for those areas. The government has announced that these land-use decisions will be made in open cabinet; however, the opposition has expressed apprehension about the prospect of such potentially controversial decisions being made in public.

Bill 57, the *Environmental Management Act (2003)*, replaces two statutes related to environmental and waste management. The government claims that the new legislation will strengthen environmental protection, offer economic incentives encouraging environmentally responsible behaviour, and promote an administrative penalty scheme as an alternative to prosecution. Opposition members, however, voiced concerns that the tiered level of government compliance and oversight upon industry would have serious ramifications for environmental protection.

Building upon changes to forestry legislation passed in the previous sitting, the *Forest Statutes Amendment Act (No. 2), 2003* (Bill 44) allows for coordinated timber supply analyses and seeks to improve the effectiveness of the Ministry of Forests' compliance and enforcement programs. Other legislative changes, under the *Forest and Range Practices Amendment Act, 2003* (Bill 69), are designed to clarify the designations and objectives for maintaining environmental standards, such as wildlife habitat, areas' community watersheds and water quality objectives. Bill 69 also contains

provisions to provide licensees with the means to prepare forest health strategies across timber supply areas.

After reflecting upon the recent flurry of legislation surrounding forest management, the Leader of the Opposition **Joy MacPhail** (Vancouver-Hastings) claimed that the situation was becoming chaotic, as people who administer, work in, and enjoy, the province's forests are uncertain as to the land-use status.

The passage of the *Agriculture, Food and Fisheries Statutes Amendment Act, 2003* (Bill 48) was also seen to be controversial. Bill 48 extends legal support for right-to-farm provisions to those involved in the aquaculture industry. The bill also expands the definition of farmland to include actions conducted over water in conjunction with aquaculture activities, and prohibits municipalities from implementing by-laws to prohibit zoning in prime aquaculture areas.

The functions of municipal governments were also discussed in the debate on the *Local Government By-law Notice Enforcement Act, 2003* (Bill 65). The stated purpose of this bill is to introduce a new model to deal with minor by-law infractions such as parking tickets, while imposing stricter penalties for serious by-law offences. Transitional provisions for the Community Charter have also been introduced under Bill 76, which has been granted Royal Assent.

Introduced in April 2003, the *Personal Information Protection Act, 2003* (Bill 38) was also passed during the fall sitting. The bill provides a made-in-BC solution for the need to protect personal information – building upon the federal privacy protection legislation, while simplifying the implementation and regulations. The bill ensures that British

Columbia's principles for personal privacy protection are compatible with existing international standards for the collection of data by the private sector.

Committee Activities

One of the most active committees this fall has been the Select Standing Committee on Finance and Government Services Committee. Chaired by **Brenda Locke** (Surrey-Green Timbers), the Committee was asked to report to the House on the public's proposals and recommendations regarding the next provincial budget and fiscal policy. The Committee visited 11 communities in different parts of the province for its annual pre-budget consultations. For the first time, the Committee also made four site visits to learn more about the local situation in resource-dependent communities.

Chaired by **Jenny Kwan** (Vancouver-Mount Pleasant), the Select Standing Committee on Public Accounts has also been busy during the fall, reviewing the Auditor General's reports on the bid estimates for the Vancouver 2010 Winter Games and performance agreements in the health care sector. In addition, the Committee has considered reports on the management of contaminated sites on provincial lands, government oversight of multi-employer public sector pension plans, as well as on improving BC's public performance reporting principles.

The Select Standing Committee on Crown Corporations has convened several times the summer and fall to review the service plans and annual reports of the Insurance Corporation of British Columbia, BC Hydro, BC Utilities Commission, Homeowner Protection Office and the Organized Crime Agency of BC. Chaired by **Ken Stewart**, (Maple Ridge-Pitt Meadows), this com-

mittee is currently planning a busy agenda for next year.

The Special Committee on the Citizens' Assembly on Electoral Reform has completed its review the appointments of senior staff for the Assembly. Chaired by Dr. **Jack Blaney**, the Citizens' Assembly on Electoral Reform is currently in the delegate selection process of its mandate. As reported in a previous issue, the Citizens' Assembly is a historic process in which a committee of citizens deliberates upon which model of electoral system would be best suited to British Columbia. Randomly selected citizens chosen from the provincial voters list reflect the diversity of this province – in terms of age, gender, occupations, and ethnicity. The Citizens' Assembly will hold its first public meeting in January 2004.

Looking ahead, the Special Committee to Review the Freedom of Information and Protection of Privacy Act will soon begin its public consultation process. Chaired by **Blair Lekstrom** (Peace River South), the Committee will review the strengths and weaknesses of the current legislation and consider proposals for legislative amendments.

Speaker's Ruling

On October 23, Mr. Collins gave a ministerial statement concerning the delay in payment of wages to forest fire fighters. The statement immediately followed a Question Period debate in which Ms. Kwan asked for an indication as to when the firefighters could expect payment.

On October 27, the Leader of the Opposition raised a point of order concerning procedural matters pertaining to ministerial statements.

Noting that the past custom in the House was to provide both the Speaker and the Opposition with an advance copy of the statement in order to facilitate a timely and appropriate response, Ms. MacPhail requested Speaker **Claude Richmond's** (Kamloops) guidance on the House rules pertaining to ministerial statements.

Two days later, the Speaker ruled that although the practice was to be encouraged wherever possible, there is no requirement that the Opposition be provided with an advance copy of ministerial statements. The Speaker stated that as the ministerial statement in question dealt with a matter that had just been canvassed in Question Period, prompt replies by the Minister to matters of concern should be encouraged.

Extra-parliamentary Events

Unparalleled natural disasters have hit several regions of the province over the last three months. Massive forest fires in the southern interior and Kootenays prompted both the Governor-General **Adrienne Clarkson** and Prime Minister **Jean Chrétien**, to tour the fire-ravaged areas surrounding Kelowna, Kamloops and Barriere.

In addition, unprecedented rainfall in October produced destructive floods in the Squamish/Pemberton corridor, southern Vancouver Island and the North Coast. Lieutenant-Governor **Iona Campagnolo** recently toured the devastated areas and offered support to those displaced by the flooding.

Jonathan Fershau
Committee Researcher
Office of Clerk of Committees



Nova Scotia

The new House of Assembly, which was elected on August 5, 2003, met on September 4, 2003. The only business transacted at that sitting was the election of a Speaker. **Murray Scott** was re-elected as Presiding Officer. The House then took a break and reconvened on September 25 for its fall sitting, beginning with the Speech from the Throne.

The sitting was very short, but some important legislation was passed, including legislation respecting auto insurance rates and Sunday shopping. Certain changes were made to these bills as a result of negotiations carried out by the minority Government and the two opposition parties. In all, eight bills, which were all government bills, were passed and may be briefly summarized as follows:

Bill No. 1, which, effective November 1, 2003 reduces automobile insurance rates by 20% of what those rates were on May 1, 2003 and places a limit, prescribed by the regulations, on the amount of damages for a minor injury.

Bill No. 2,

- permits Sunday shopping from 1 pm to 6 pm from November 16, 2003 to December 21, 2003
- provides for a plebiscite on Sunday shopping to be held at the same time as the 2004 municipal elections;
- enables the Government to permit Sunday shopping if the plebi-

scite is in favour of Sunday shopping

- makes certain changes to the *Labour Standard Code*.

Bill No. 6, eliminates mandatory retirement from the public service at age 65;

Bill No. 7,

- allows an employee to take a leave of absence of up to 8 weeks to care for a family member who has a serious medical condition with a significant risk of death within 26 weeks;
- gives an employee who is a party to a registered domestic-partnership agreement the right to take bereavement leave and compassionate leave under the Labour Standards Code.

Bill No. 8, provides that when a volunteer is sued for anything arising out of voluntary work and the lawsuit against the volunteer is unsuccessful, the volunteer is entitled to his or her full legal costs of the lawsuit.

Bill No. 10, contains certain technical and housekeeping changes to the laws governing municipal elections.

Bill No. 11, makes certain changes to the laws governing collection agencies, including the licensing collection agencies and the code of conduct governing collection agencies.

Bill No. 15, deals with the transfer of court proceedings by the Supreme Court of Nova Scotia to a court outside Nova Scotia and the acceptance by the Supreme Court of Nova Scotia of court proceedings from a court outside Nova Scotia.

On October 30, 2003, the House adjourned to be reconvened at the call of the Speaker.

Art Fordham
Assistant Clerk



Newfoundland and Labrador

When the Fifth Session of the Forty-Fourth General Assembly adjourned on May 15th Members expected it would be the last sitting of the current parliament.

Premier **Roger Grimes** put an end to speculation about the date of the general election in the Province when he sought and was granted dissolution of the Forty-Fourth General Assembly on September 29th. The election took place on October 21st. The Progressive Conservative party formed a majority government electing 34 Members. All sitting Progressive Conservatives were re-elected as were both New Democrats. Twelve Liberals were re-elected. There will be fifteen new Members in this parliament.

Ten women were elected, eight on the government side, two in the Official Opposition the largest number of women ever elected to the House of Assembly of Newfoundland and Labrador. The standings are now 34 Progressive Conservatives, 12 Liberals and two New Democrats.

On November 6th the new Cabinet comprising fifteen Ministers including the Premier **Danny Williams** (Humber West) was sworn. Mr. Williams is also the Minister for Inter-governmental Affairs and Minister for Business. The other Ministers and their portfolios are:

- **Danny Williams**, QC, (Humber West), Premier, Minister for Inter-governmental Affairs and Minister for Business;
- **Joan Burke**, (St. George's-Stephenville East), Minister of Human Resources and Employment and Minister Responsible for the Status of Women;
- **Edward Byrne**, (Kilbride), Minister of Mines and Energy, Minister of Forest Resources and Agrifoods and Government House Leader;
- **Jack Byrne**, (Cape St. Francis), Minister of Municipal and Provincial Affairs and Minister Responsible for the Newfoundland and Labrador Housing Corporation;
- **Kathy Dunderdale**, (Virginia Waters), Minister of Industry, Trade and Rural Development;
- **Elizabeth Marshall**, (Topsail), Minister of Health and Community Services;
- **Thomas Marshall**, QC, (Humber East), Minister of Justice and Attorney General;
- **Thomas Osborne**, (St. John's South), Minister of Environment and Minister of Labour;
- **John Ottenheimer** (St. John's East), Minister of Education and Minister of Youth Services and Post-secondary Education;
- **Thomas Rideout**, (Lewisporte), Minister of Works, Services and Transportation, and Minister Responsible for Aboriginal Affairs;
- **Paul Shelley**, (Baie Verte), Minister of Tourism, Culture and Recreation;
- **Loyola Sullivan**, (Ferryland,) Minister of Finance and President of Treasury Board;
- **Trevor Taylor**, (The Straits & White Bay North), Minister of Fisheries and Aquaculture and Minister Responsible for Labrador Affairs and
- **Dianne Whalen**, (Conception Bay East & Bell Island), Minister of Government Services and

Lands and Minister Responsible for the Strategic Social Plan.

As well four Parliamentary Secretaries were appointed: **John Hickey**, (Lake Melville), Parliamentary Secretary to the Minister of Fisheries and Aquaculture and Minister Responsible for Labrador Affairs; **Tom Hedderson**, (Harbour Main-Whitbourne), Parliamentary Secretary to the Minister of Education and Minister of Youth Services and Post-secondary Education; **Ross Wiseman**, (Trinity North), Parliamentary Secretary to the Minister of Health and Community Services and **David Denine**, (Mount Pearl), Parliamentary Secretary to the Minister of Municipal and Provincial Affairs and Minister Responsible for the Newfoundland and Labrador Housing Corporation. **Terry French**, (Conception Bay South), was appointed Parliamentary Assistant to the Premier.

On November 12th **Harvey Hodder**, (Waterford Valley) was acclaimed as Speaker. **Roger Fitzgerald**, (Bonavista South) was elected Deputy Speaker and Chair of Committees and **Sheila Osborne**, (St. John's West) was elected Deputy Chair of Committees.

Elizabeth Murphy
Clerk Assistant



Manitoba

Manitoba MLAs gathered for their first extended sitting of the 38th Legislature on September 8,

2003. This session, which concluded on October 1, 2003, focussed almost entirely on the conclusion of the budget cycle from the previous Legislature, which had not been completed at the time of the election call in May 2003.

Legislative Schedule

In December 2002 the House adopted certain amendments to our rules, including a sessional calendar identifying periods of the year when the House may and may not meet. Taking this concept a step further upon their return to the House this fall, Manitoba MLAs passed a motion identifying a specific timetable for Legislative sittings during 2003 and 2004. According to the new legislative schedule, the House will sit during the following periods over the coming months:

- November 20, 2003 to December 4, 2003
- An eight day session in March 2004
- From the week of April 12, 2004 until no later than June 10, 2004

In addition to detailing House sitting dates, the motion also stated that during the September 2003 session no business would be considered by the House other than the completion of the budget process. Consequently, the House considered no legislation this session other than the Bills required as part of the financial process.

During a one day sitting following the general election in June 2003 the House passed a motion to reinstate the budget process from the Fourth Session of the 37th Legislature. Based in part on a 1995 Manitoba precedent, all MLAs agreed to this procedure as a means of getting the budget cycle back on track following the election.

Committee of Supply

When the House resumed in September MLAs got down to business right away, proceeding with the consideration of departmental estimates in our three, concurrent sections of the Committee of Supply. This session marked the first time MLAs considered estimates under our new rules which reduce the time allowed for the process from 240 hours to 100 hours. The House completed all stages of the financial process by September 30.

Question Period

On September 10, 2003 Speaker **George Hickey** informed the House that a trial agreement had been reached between the Government, the Official Opposition and the independent Members regarding guidelines for the conduct of Oral Questions for the month of September, 2003. The guidelines included the following provisions:

- Fifty seconds allowed for questions and answers;
- The continued recognition of points of order and matters of privilege during Oral Questions, with the exception of points of order referring to Beauchesne citations 409(2), 410, 417 and 408(2);
- Changes to some of the conditions regarding "Leader's latitude" – a practice which allows leaders of recognized parties certain exemptions from regular time limits; and
- Revisions to the assignment of questions between the parties during Oral Questions.

As these guidelines expired at the end of the fall sitting, a new agreement will be required for future sessions.

Speaker's Outreach Program

In 2002 Speaker Hickes began a school outreach program offering presentations on the functions and workings of the Legislature. The visits include brief talks from both the local MLA and the Speaker, with a Table Officer on hand to help lead students through an exercise in passing a Bill through the House. These visits proved to be very popular in their first year and a new round has been underway throughout the fall and winter of 2003-2004.

Standing Committees

The Standing Committee on Public Accounts resumed sittings this fall, meeting on a number of occasions to review the Public Accounts and consider Reports from the Provincial Auditor General, **Jon Singleton**. The reports covered a range of matters including: Policy Development Capacity within Government Departments, Value-for-Money Audits, and School Board Governance.

The new Standing Committee on Legislative Affairs also met this fall to consider the most recent Report and Recommendations of the Judicial Compensation Committee. The *Manitoba Provincial Court Act* requires that once every three years, a Judicial Compensation Committee (JCC) be established to review, determine and report to the Minister on the salaries and benefits payable to Judges and Masters. Once a report has been received by the Minister, it is to be tabled in the House and referred to a Standing Committee of the Legislature. The Committee ultimately reports back to the Legislature, communicating its opinions of the JCC's recommendations.

Cabinet Appointments

On November 4, 2003 Premier **Gary Doer** announced a significant Cabinet reorganization. Several current Ministers shifted responsibilities, new Ministries were created, and five new Ministers joined the cabinet.

Postings for Members of the previous Cabinet:

- **Premier Gary Doer** (Concordia) - continues as Minister responsible for Federal-Provincial Relations
- **Steve Ashton** (Thompson) - Minister responsible for the new Department of Water Stewardship (formerly Conservation)
- **Dave Chomiak** (Kildonan) - continues as Minister of Health
- **Oscar Lathlin** (The Pas) - continues as Minister responsible for Aboriginal and Northern Affairs, plus the *Communities Economic Development Fund Act*
- **Rosann Wowchuk** (Swan River) - continues as Deputy Premier and Minister responsible for Agriculture and Food, with added responsibilities for Rural Initiatives and Co-operative Development
- **Gord Mackintosh** (St. Johns) - continues as Minister of Justice and Attorney General, plus Constitutional Affairs, Manitoba Public Insurance and Keeper of the Great Seal (also continues as Government House Leader)
- **Eric Robinson** (Rupertsland) - continues as Minister of Culture, Heritage and Tourism, plus Sport
- **Diane McGifford** (Lord Roberts) - continues as Minister of Advanced Education and Training
- **MaryAnn Mihychuk** (Minto) - Minister responsible for Intergovernmental Affairs, with added new responsibility for Trade (formerly Industry, Trade and Mines)
- **Tim Sale** (Fort Rouge) - continues as Minister of Energy, Science and Technology, plus *Manitoba Hydro and the Gaming Control Act*

- **Ron Lemieux** (La Verendrye) - Minister responsible for Transportation and Government Services (formerly Education and Youth)
- **Greg Selinger** (St. Boniface) - continues as Minister of Finance, plus French Language Services, the Civil Service Commission and the *Crown Corporations Public Review and Accountability Act*
- **Scott Smith** (Brandon West) - Minister responsible for Industry, Economic Development and Mines, plus the Manitoba Lotteries Corporation and Emergency Measures, with added new responsibility for the Manitoba Liquor Commission (formerly Transportation and Government Services)

Postings for new Ministers:

- **Nancy Allan** (St. Vital) - Minister responsible for Labour and Immigration, plus Multiculturalism and the Workers Compensation Board, with added new responsibility for the Status of Women
- **Jim Rondeau** (Assiniboia) - Minister responsible for Healthy Living within the Department of Health, plus Seniors and Healthy Child Manitoba
- **Stan Struthers** (Dauphin-Roblin) - Minister responsible for Conservation
- **Peter Bjornson** (Gimli) - Minister responsible for Education, Citizenship and Youth
- **Christine Melnick** (Riel) - Minister responsible for Family Services and Housing, plus Persons with Disabilities

These changes increase the number of positions in the Manitoba Cabinet from 16 to 18. Former Ministers **Jean Friesen** and **Becky Barrett** did not run in the 2003 general election, while the previous Minister of Family Services and Housing, **Drew Caldwell** (Brandon East), stepped down from cabinet for health reasons.

2003 CCPAC/CCOLA Conference

From September 14-16, 2003 Manitoba welcomed delegates from across Canada as host of the 2003 joint conference of the Canadian Council of Public Accounts Committees and the Canadian Council of Legislative Auditors. The conference featured enlightening presentations from a number of interesting speakers, including **John Williams**, MP (Chair, House of Commons PAC), **Ken Krawetz**, MLA (Chair, Saskatchewan PAC), and **Russell Mackinnon**, MLA (Chair, Nova Scotia PAC).

Held at the historic Hotel Fort Garry in downtown Winnipeg, the conference succeeded in providing a comfortable venue for a healthy exchange of information and ideas as well as an enjoyable social experience for all delegates.

Rick Yarish

Clerk Assistant /
Clerk of Committees



Prince Edward Island

The Sixty-first General Assembly was dissolved on September 2, 2003. A Provincial General Election was held on Monday, September 29, 2003. Voter turnout, at just over 83%, was down only slightly (1.6%) from the General Election in 2000, a reduction attributed to the devastation caused by Hurricane Juan which hit the Province in the early hours of election day.

Although the hurricane resulted in no serious injuries, the province experienced widespread power-outages and property damage. Schools, government offices and businesses were closed due to thousands of fallen trees and damaged power lines.

A full two-thirds of the polls remained without power for the entire day, with ballots being counted by kerosene lantern and candlelight. District 27 Tignish-Deblois achieved the highest percentage of votes cast at 94.58%, followed closely by District 2 Morell-Fortune Bay, and District 3 Georgetown-Baldwin's Road at 92% and 91%, respectively.

The Progressive Conservative Party received 54.29% of the popular vote, resulting in 23 seats; the Liberals received 42.66% of the popular vote, translating into 4 seats; while the New Democratic Party candidates received 3.06% of the popular vote and were unsuccessful in winning a seat.

Former Speaker **Mildred Dover**, was appointed Minister of Education in October 2003. Ms. Dover previously served in cabinet as Minister of Health and Social Services with Ministerial Responsibility for Seniors and Housing from 1996-2000. In May 2000 she was elected Speaker of the Legislative Assembly. Ms. Dover was first elected to the Legislative Assembly in November 1996, representing the district of Tracadie-Fort Augustus, and subsequently was re-elected in the general elections of 2000 and 2003. She brings a wealth of experience to her new portfolio. During her lengthy teaching career, she was principal of two schools, a member of the Board of Governors of the PEI Teachers' Federation and an active participant in school and student committees.

New Cabinet

Prince Edward Islanders were introduced to a new provincial cabinet on October 9, 2003. Three new members were brought into cabinet while most existing ministers were given new responsibilities. They are:

- **Jamie Ballem**, Minister of Environment and Energy and Attorney General;
- **Philip Brown**, Minister of Tourism;
- **Mildred Dover**, Minister of Education;
- **Chester Gillan**, Minister of Health and Social Services and Minister Responsible for Seniors;
- **Kevin MacAdam**, Minister of Agriculture, Fisheries, Aquaculture and Forestry;
- **Mitchell Murphy**, Provincial Treasurer and Minister Responsible for the Racing Commission.

Ministers retaining their previous responsibilities are:

- **Pat Binns**, Premier, President of Executive Council and Minister of Intergovernmental Affairs;
- **Michael Currie**, Minister of Development and Technology;
- **Elmer MacFadyen**, Minister of Community and Cultural Affairs and Minister Responsible for Acadian and Francophone Affairs;
- **Gail Shea**, Minister of Transportation and Public Works and Minister Responsible for the Status of Women.

The Premier also took the opportunity to realign some of the ministries. The Department of Agriculture, Fisheries, Aquaculture and Forestry, and the Department of Environment and Energy were newly cast to reflect some of the common opportunities which exist in those sectors. The Departments

of Education and Tourism were each assigned dedicated ministers.

Opening of the Legislative Assembly

The Legislative Assembly will open for the First Session of the Sixty-second General Assembly on November 12, 2003. Following the election of the new Speaker, the Lieutenant-Governor, the Honourable **J. Léonce Bernard**, will read the Speech from the Throne.

Auto Insurance Strategy

Attorney General Ballem announced in October that legislation to implement an auto insurance strategy will be a first priority in the upcoming session of the legislature. It is anticipated the legislation will introduce a maximum limit of \$2,500 on benefits for minor personal injury and damages for non-economic loss, grant the Island Regulatory and Appeals Commission full regulatory authority over automobile insurance rates, and reduce the limitation period for making a claim, bringing it in line with the other Atlantic Provinces.

Marian Johnston
Clerk Assistant and
Clerk of Committees



Yukon

The 2003 Fall Sitting of the Yukon Legislative Assembly began on October 30. As the 2003 Spring Sitting had lasted 36 sitting days this

one will not last longer than 24 sitting days. This is because Standing Order 75(1) limits the Assembly to 60 sitting days per year (exclusive of special sittings). Standing Order 2(1) provides that the Assembly sits every Monday to Thursday unless otherwise ordered. According to practice the House did not sit on Remembrance Day, Tuesday, November 11. Thus, following normal practice, the final sitting day would be Thursday, December 11.

However the parliamentary calendar became the subject of debate when on November 3, 2003 Government House Leader **Peter Jenkins** (Klondike, Yukon Party) moved the adoption of Government Motion No. 101. The intent of the motion was to change the parliamentary calendar so that the House would not sit on Monday, November 10 but would sit on Friday, November 14. Mr. Jenkins argued this schedule would be of benefit to members, especially rural members, to ensure they could be in their constituencies for Remembrance Day events.

This change was not agreed to in advance by the opposition parties, however, so what might have been a *pro forma* motion engendered over an hour of debate. Opposition members argued that re-scheduling the Monday sitting was not necessary for members to attend Remembrance Day events in their constituencies. They also argued that making Friday a sitting day would unduly inconvenience them as they use Fridays for activities, such as caucus meetings and appointments with constituents, that cannot be carried out on days when the House is sitting.

Eventually Official Opposition House Leader **Gary McRobb** (Kluane, NDP) proposed an amendment to excise the reference to Fri-

day, November 14 and provide that the House would sit on Monday, December 15. After some debate all Members present voted in favour of the amendment and the motion as amended.

Legislation

Standing Order 74 requires the government "introduce all legislation, including Appropriation Bills, to be dealt with during that Sitting by the fifth sitting day." The government fulfilled this requirement, introducing the following 10 bills by November 6:

- Bill No. 6, *Fourth Appropriation Act, 2002-03*;
- Bill No. 7, *Second Appropriation Act, 2003-04*;
- Bill No. 35, *Act to Amend the Public Printing Act*;
- Bill No. 36, *Act to Amend the Taxpayer Protection Act*;
- Bill No. 37, *Statistics Act*;
- Bill No. 38, *Act to Amend the Employment Standards Act*;
- Bill No. 39, *Decision Making, Support and Protection to Adults Act*;
- Bill No. 40, *Act to Amend the Access to Information and Protection of Privacy Act*;
- Bill No. 41, *Health Professions Act*;
- Bill No. 42, *Territorial Court Judiciary Pension Plan Act, 2003*.

There was also one Private Member's Bill introduced. **Pat Duncan** (Porter Creek South, Liberal) introduced Bill No.102, *An Act to Amend the Employment Standards Act*.

Though the government had no trouble meeting the deadline for introducing bills it encountered some difficulty in having the Premier and Finance Minister, **Dennis Fentie** (Watson Lake, Yukon Party) give his second reading speech for Bill

No. 7. The bill provides for \$97.4 million in appropriations in addition to the sums appropriated in the main capital and operations and maintenance act passed in the 2003 Spring Sitting.

Under normal circumstances Premier Fentie would have introduced Bill No. 7 on the first sitting day. However the Premier and a number of other Members wished to attend the funeral service of a prominent Yukoner on that day. As the supplementary appropriation is substantial, the government wished to treat it as a main appropriation and not release the bill or its accompanying information books too far in advance of the Premier's second reading speech. Rather than introducing the bill on October 30 the House adjourned immediately after the Oral Question Period.

Premier Fentie could not introduce the bill on Monday, November 3 as he was out of the territory on business. He did introduce the bill on Tuesday, November 4 and tabled the accompanying budget information. Had Bill No. 7 been a main appropriation act the Premier could have, pursuant to Standing Order 55(3), moved Second Reading that day. However, as Bill No. 7 was not a main appropriation act unanimous consent was required to give it more than one reading in one day. Ms. Duncan, as a protest against what she termed inappropriate behaviour by Mr. Jenkins as government house leader, refused to give consent and so Bill No. 7 did not proceed to Second Reading on that day. Rather than proceed with other business Mr. Jenkins moved the adjournment of the House. The House adjourned.

Premier Fentie could not move Second Reading of Bill No. 7 on Wednesday, November 5 as that was opposition private members

day. The Premier finally gave his budget speech on Thursday, November 6 two days after the bill's contents became public knowledge.

Public Accounts Committee

After meeting with officials from the Office of the Auditor General of Canada the Standing Committee on Public Accounts decided to hold a week of public hearings in the new year. The committee is currently deliberating whether the hearings will be held in the last week of January or the first week of February 2004.

The focus of the hearings will be Yukon College and government corporations, with a particular focus on the Yukon Housing Corporation. The committee will forward to the heads of these entities a series of questions focussing on the entity's mandate, compliance with its mandate and accountability mechanisms. The responses to the questions are to be received in advance of the hearings and serve as the basis for discussion at the hearings.

New Deputy Sergeant at Arms

On Monday, November 3 Speaker **Ted Staffen** introduced **Doris McLean** as the Yukon's new Deputy Sergeant-at-Arms. Ms. McLean, a former chief of the Carcross-Tagish First Nation, is the first woman and first woman of first nations ancestry to serve as sergeant-at-arms in the Yukon Legislative Assembly. Ms. McLean succeeds **Gordon McIntyre** who passed away during the summer of 2003.

Floyd McCormick
Deputy Clerk



Saskatchewan

The fourth and final session of the 24th Legislature opened on March 18th, 2003 and continued to sit for 68 sitting days, before adjourning on June 27th. The session saw the passage of a spring budget and a smaller than average number of bills. 46 of the 48 bills introduced received Royal Assent. All were government bills except for one Private Bill that granted the Western Christian College the authority to grant theological certificates, diplomas and degrees. The passage of the private bill was noteworthy in that the normal filing deadlines were waived to permit the bill's consideration in the later days of the session.

The discovery of a case of BSE in an Albertan cow and the resulting negative impact on the cattle industry was an ongoing concern to Saskatchewan MLAs over the spring and summer. One Private Members' motion and two emergency debates were held on the subject. **Bob Bjornerud** (Saltcoats) introduced a motion on May 27th expressing the Assembly's complete confidence in the Canadian beef industry and urging other nations to reopen their borders to Canadian beef imports as soon as possible. Two days later, **Don McMorris** (Indian Head - Milestone) moved that the Assembly demand the federal government to immediately waive the two-week waiting period for Employment Insurance applica-

tions for persons whose employment had been affected by the impact of BSE on the Canadian beef industry, and for the Prime Minister to show greater sensitivity to the country's international trading partners, particularly the United States. Then on June 9th, a third motion on the BSE impact was proposed by the Leader of the Opposition **Elwin Hermanson** (Rosetown - Biggar), seconded by **Eldon Lautermilch**, the Minister of Intergovernmental Affairs and Aboriginal Affairs. This motion urged the federal government to immediately develop a compensation package, which was separate and distinct from the Agriculture Policy Framework, that recognized that certain economic sectors and thousands of people have been negatively impacted by the discovery of BSE. All three motions were unanimously adopted. Copies of the motions and verbatim transcripts of the last two debates were forwarded to the Prime Minister and several of his ministers by the Speaker on behalf of the Assembly.

The session saw three new MLAs introduced in the Assembly following the passage of legislation to permit them to take their seats prior to the return of the by-election writs. **Andy Iwanchuk** (Saskatoon Fairview) and **Wally Lorenz** (Battleford-Cut-Knife) took their places on the second day of the session on March 19th. **Allan Kerpan**, a former member of the federal parliament, took his seat on June 27th, the final day of the session. This was just a few hours after winning the by-election in the constituency of Carrot River Valley the night before.

Implementation of Rules Changes

On April 3rd, the Third Report of the Special Committee on Rules and

Procedures was presented in the Assembly. Subsequently on June 13th, the Assembly adopted a resolution *nemine contradicente* that the practices and rules recommended in the report be implemented and brought into force effective the first sitting day of the next session. The adoption of the report will result in significant changes to Private Members' business, the consideration of bills and the structure of the committee system.

The most apparent change to Private Members' Day will be its move from Tuesdays to Fridays. The timed Seventy Five Minute debate will now take place every week, as opposed to every other week. New rules will permit the designation of items of Private Members' business for priority consideration and limit to three the number of times any item may be adjourned before it must be voted upon.

New procedures for the consideration of public bills will be closely tied to the new committee structure. The new committee structure will be the framework within which bills may be considered and passed into law. The sponsor of a bill may move that the bill be referred to a policy field committee for consideration after first or second reading. Committee consideration after first reading is restricted to the subject matter of the bill but may be broadened to include any matter relevant to the subject and public hearings. This early referral will permit ideas to be floated before committing the sponsor to a definite course of action.

If a referral is not made, the bill will proceed directly to second reading. Upon receiving second reading, the sponsor of the bill has the option of referring the bill to either a policy field committee or, by default, to the Committee of the Whole. Consideration in a policy field committee is restricted to the

content of the bill and may include public hearings before clause by clause consideration takes place. Public hearings are not permitted at this stage if the bill was already the subject of hearings after first reading.

The new Rules still provide for consideration of all bills in the Committee of the Whole, regardless whether they were considered by a standing committee. Only the unanimous consent of the Assembly will permit this stage to be waived. This procedure will protect the rights of Members who were not on the standing committee, particularly Independent Members, to participate in clause by clause deliberations and to propose amendments. The new Rules do set out restrictions on the length of time a bill may be considered in the Committee of the Whole if it had previously been considered by a standing committee. At the expiration of these time limits, all questions must be put and the bill reported out.

The most sweeping and dynamic of the Rules changes are the reforms of the committee structure. The old system of standing, special and select committees will be replaced by three new categories of committees: house committees, scrutiny committees and policy field committees. The house committees will, as the name implies, deal primarily with the House or house keeping issues. They will include the Standing Committees on Privileges, on Private Bills and on House Services. The House Services Committee will absorb the work of several existing committees and be mandated with:

- determining the membership of committees,
- determine the division of subject areas responsibilities for the new policy field committees;

- play a role in determining committee spending;
- examine the Rules, procedures, practices and powers of the Assembly;
- review the operation, organization, facilities and services provided to the Assembly, committees and Members;
- review the Estimates of the Assembly;
- review the operations of Assembly Officers, such as the Ombudsman, Children's Advocate, etc.

The Public Accounts Committee will continue to exist as a scrutiny committee with a mandate largely unchanged but with a smaller membership. The policy field committees will also play a role in holding the government accountable but will have more extensive responsibilities. Each will be responsible for a sector of public policy, which in turn will comprise government departments, Crown corporations and agencies that relate to that particular policy field. These committees will be tasked with considering legislation, reviewing departmental estimates, annual reports, regulations and by-laws. They will also be permitted to initiate and conduct public inquiries on matters within their sphere.

The implementation of the committee reforms will impact the proceedings of the House. Less time will now be spent in the House dealing with bills and estimates. Previously, the majority of bills and estimates were considered in Committees of the Whole. The Rules will now permit the House to adjourn or recess anytime during Government Orders so that the committees can attend to their work. As a result, committees will be able to add afternoon and evening meetings to their existing morning time slots. The new procedures will facilitate greater public participation

through the review of Bills and inquiries as well as a greater role for Members in daily proceedings. The committees will also gain greater visibility through the broadcasting of committee proceedings on the Legislative Network and on the Internet.

In moving to implement the provisions of the Rules Committee Report, the Assembly directed several committees to present a final report to the Assembly. The Special Committee on Regulations complied with this directive on June 4th after an existence of forty years. The work of the committee will now be carried out by the policy field committees. The mandate of the Standing Committee on Crown Corporations will now be carried out by the Standing Committee on Crown and Central Agencies.

General Election

On October 8th, the 24th Legislature was dissolved and a general election called for November 5th. The standings in the Assembly were 28 New Democrats, 26 members of the Saskatchewan Party, and 4 independents. Two of the independents sat in cabinet as part of the coalition government. When all the ballots were counted, the results were not that different. The New Democratic Party retained its position as government, having captured 30 seats out of a possible 58. The Saskatchewan Party gained two seats for a total of 28 and remained as the Official Opposition.

The split between urban and rural voting patterns that was so evident after the 1999 election was tempered this time, with the Saskatchewan Party capturing three seats in the city of Saskatoon and the NDP taking a northern rural seat and the

North Battleford constituency, formally held by Liberal and former cabinet minister, **Jack Hillson**. The other original Liberal members of the coalition government, Government Relations Minister **Ron Osika** and Finance Minister **Jim Melenchuk**, were defeated. **David Karwacki**, the leader of the Liberal Party was unsuccessful in his first attempt at elected office. Ten new Members were elected to the Assembly, five for the NDP and five for the Saskatchewan Party.

Margaret (Meta) Woods
Clerk Assistant



Senate

The Senate completed an impressive amount of legislative work since returning from the summer adjournment on September 16, 2003. This was accomplished despite the usual procedural wrangling that often arises when rumours of an imminent end to the session begin to circulate and pressure mounts for the Senate to pass legislation important to the Government. During the fall, thirty-six bills were considered by the Senate. Debate in the Chamber was intense at times, sittings were lengthy and peppered with numerous points of order, each one requiring the attention of Speaker **Dan Hays** who ruled on eleven points of order and a question of privilege, an unusual number of decisions from the Chair.

Legislation

The speculation that Parliament might prorogue led to increased attention on two major bills. With a change in government leadership and a possible spring election in the offing, the passage of Bill C-34, establishing separate ethics officers for the Senate and the House of Commons assumed greater significance in the fulfillment of the Prime Minister's commitment to initiate ethical reform. The other important piece of legislation was Bill C-49. This bill advanced the implementation date for the electoral boundaries readjustment to reflect the 2001 Census and provide additional seats to B.C., Alberta and Ontario. It was important to have this bill passed so that an election based on these new electoral boundaries could be called as of April 1.

The Senate began its consideration of Bill C-34 on October 2. Second reading debate was debated on five days before a time allocation motion was moved and subsequently adopted, with a recorded vote, by the Senate on October 23. Second reading and the adoption of the motion referring the bill to the Rules, Procedures and the Rights of Parliament Committee took place on October 27.

On November 7, the Senate voted to amend Bill C-34 so that the Senate ethics officer would be appointed by senators themselves and not by the Prime Minister following consultation. With third reading, the bill was returned to the House of Commons. Although the Senate faced stiff criticism for not passing the bill, it was also praised for standing up to government pressure to pass the bill just days after receiving it from the House of Commons.

Bill C-49, a bill to accelerate the implementation of new electoral

boundaries came to the Senate on October 23. Although several days were spent on debate at second reading, the bill did not pass before the Senate adjourned on November 7.

The Senate and the House of Commons continued to disagree about amendments made by the Senate to Bill C-10B, *an Act to amend the Criminal Code (cruelty to animals)*. By October 1, the bill had been returned twice to the House of Commons and already been the subject of five Speaker's rulings. On November 6, the Senate agreed that the motion asking the Senate not to insist on its amendments to Bill C-10B and a subsequent motion in amendment proposed by Senator **Charlie Watt** to guarantee hunting and fishing rights of aboriginal peoples, be referred to the Legal and Constitutional Affairs Committee.

Altogether, ten bills received Royal Assent: Bill C-42 by written declaration on October 20 and Bills C-45, C-25, C-6, C-459, C-37, C-50, C-48, S-21 and C-55 by Her Excellency the Governor General of Canada, in a tradition ceremony held in the Senate Chamber on November 7.

Speaker's Rulings

When the most recent message, still disagreeing with certain amendments to Bill C-10B, *an Act to amend the Criminal Code (cruelty to animals)* was received from the Commons on September 30, Senator **Sharon Carstairs**, Leader of the Government, proposed a motion that the Senate not insist on its amendments. Senator **Noël A. Kinsella**, Deputy Leader of the Opposition, raised the first point of order. He argued that it was premature to move a motion concurring with a Message that the Senate had not yet considered. Speaker Dan Hays noted that although the motion pressed

for a Senate decision, it did not mean that the Senate would reach that conclusion and ruled it was procedurally correct to begin debate on the Message by way of a motion.

Senator **Anne Cools** rose on another point of order on October 1 concerning the Message from the House of Commons on Bill C-10B. She contended that the procedure followed by the House of Commons in sending another Message to the Senate instead of moving a motion requesting a conference of members of both Houses was highly unusual and improper. The Speaker, however, ruled there was nothing irregular about the procedure of sending messages back and forth until both Houses agreed. Although conferencing was one of the alternative procedures, it was not the only way to deal with this matter.

Bill C-41, *An Act to amend certain Acts*, was the subject of four rulings from the Chair. Decisions on the long title of the bill, as well as its short title and omnibus nature were delivered by the Speaker on October 22 and October 23. In still another ruling on October 28, the Speaker found that Bill C-41 did not violate the rule of anticipation. The same question rule, the subject of his fourth and final ruling on October 29, also did not apply in this case.

The title of a bill was once again the issue in a point of order raised by Senator **Noël A. Kinsella**, on October 27. He argued that C-49, *An Act respecting the effective date of the representation order of 2003*, was imperfect in form because of the title of the bill which, in his opinion, was not complete and fully descriptive. For this reason, he asked for the Speaker to rule the bill out of order. In his ruling later that day, the Speaker referred to his earlier ruling in which he stated that he did not

have authority to rule on decisions of the House of Commons. It was up to the Senate, as a whole, to remedy the situation by way of amendment.

On October 30, Senator Kinsella again rose on a point of order this time to complain about a meeting, held earlier in the day, of the Rules, Procedures and the Rights of Parliament Committee which was studying Bill C-34. He objected to the fact that the meeting had been held outside of its usual time slot and as a consequence, none of the opposition members were able to fully attend because of conflicting schedules. The Speaker sympathized with the frustration caused by simultaneous and overlapping committee meetings, but ruled on November 3 that there was no point of order. Since the committee had not breached the Rules of the Senate, there was little he could do to address the complaint.

Other rulings were delivered by the Speaker on points of order raised during debate on various other bills. The subject of his rulings ranged from the need for a royal recommendation or Royal Consent to a committee's authority to travel.

On November 3, just after Bill C-34 had been reported by the Rules, Procedures and the Rights of Parliament Committee, Senator Kinsella raised a question of privilege. He contended that the meeting of the Rules, Procedures and the Rights of Parliament held on October 31 and the subsequent presentation of its report on Bill C-34 violated the tradition of suspending any activity that is the object of a ruling by the Speaker until the ruling is made. According to Senator Kinsella this constituted a contempt of Parliament. In his ruling on November 4, the Speaker noted that Senate committees, by tradition, customs and practice, are generally autonomous in the way they con-

duct their business. In his opinion, a compelling case was not made to prove that the Rules Committee committed a contempt of Parliament in meeting on October 31 and adopting its report on Bill C-34. The Speaker concluded there was no *prima facie* question of privilege.

Committee Reports

Senate Committees produced a number of reports during the fall, many of them on special studies.

The final report of a two-year study by the Aboriginal Peoples Committee on issues affecting urban Aboriginal youth was tabled in the Senate on October 30. In its report entitled *Urban Aboriginal Youth-An Action Plan for Change*, the Committee made 19 recommendations which formed the basis of a solid plan of action designed to create opportunities for Aboriginal youth living in Canadian cities.

The Agriculture and Forestry Committee released its final report on the effects of climate change on agriculture, forestry, rural communities and Aboriginal peoples. The committee's sixth report, entitled *Climate Change: We Are At Risk*, was tabled on November 6.

The Banking, Trade and Commerce Committee also completed an examination of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*. The report, entitled *Debtors and Creditors Sharing the Burden: A Review of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act* was tabled on November 7. It attempts to determine whether legislation is meeting the needs of a range of stakeholders through the impact of insolvency laws on the Canadian economy.

The Foreign Affairs Committee released Volume 2 of its study of the Canada-United States of America

trade relationship and the Canada-Mexico trade relationship. The committee's Sixth Report, entitled *The Rising Dollar: Explanation and Economic Impacts*, dealt with the Canada-U.S. exchange rate and its effects on bilateral trade and the Canadian economy and was tabled on November 6.

On November 4, the Human Rights Committee tabled an interim report on its study of on-reserve matrimonial real property. In its Eighth Report, *A Hard Bed to Lie In: Matrimonial Real Property on Reserve*, the committee made eight recommendations designed to protect the rights of Aboriginal women on reserve to their share of real matrimonial property.

In its fourth in a series of reports on Canada's national security, the National Security and Defence Committee examined coastal security within the context of new and potentially devastating threats to Canadians. Entitled *Canada's Coastlines: The Longest Under-Defended Borders in the World*, the Committee's Seventeenth Report, was tabled on October 28. An interim report of the Subcommittee on Veterans Affairs, tabled on November 4, summarized testimony heard on the commemorative activities undertaken by the Canada Remembers Program of Veterans Affairs Canada and made several recommendations to ensure the safety of veterans on overseas pilgrimages and to promote awareness in young Canadians.

On November 5, the Social Affairs, Science and Technology Committee tabled its Fourteenth Report. *Reforming Health Protection and Promotion in Canada: Time to Act* focused on ways to improve Canada's ability to respond to health emergencies arising from outbreaks of infectious diseases. This study came about as a result of recent outbreaks

of SARS, mad cow disease, West Nile Virus and threats of biological terrorism in the United States.

The Fisheries and Oceans Committee, Human Rights Committee, Internal Economy, Budgets and Administration Committee, Legal and Constitutional Affairs Committee, National Finance Committee, Official Languages Committee and the Scrutiny of Regulations Committee also tabled reports on a variety of subjects.

The Senate approved the appointment of **Jennifer Stoddart** as Privacy Commissioner for a seven-year term after convening in Committee of the Whole on November 7 to question her about her appointment.

Milestones

Tributes were paid to Senator **Leo Kolber** who will retire from the Senate on January 18, 2004.

New Senators **Percy Downe**, **Paul Massicotte**, **Madeleine Plamondon** and **Marilyn Trenholme Counsell** were introduced on September 16 and **Mac Harb**, former Member of Parliament, on September 23.

On October 2 the Senate paid tribute to the memory of two soldiers killed in Afghanistan on that day and observed a minute of silence.

Special tribute was paid on November 7 to **Richard Logan**, Senate Mace Bearer since March of 1999, who announced his retirement.

Mary Mussell
Senate Journals



House of Commons

Prim Minister **Jean Chrétien's** recent announcement that he will step down effective December 12, 2003 marked the end of his forty-years in the House of Commons. While signs indicated he was intending to leave prior to his announced date of February 2004, news of the transition date came only as the outgoing Prime Minister met with **Paul Martin** in Ottawa following the Liberal leadership convention in mid-November.

A number of bills made it through the Commons and the Senate in late October and early November as rumours of a prorogation spread. On Thursday November 6th, 2003, a spokesperson from each party paid tribute to Mr. Chrétien. Statements were made by **Charles Caccia**, the longest serving Liberal Member, **John Reynolds**, House Leader for the Official Opposition, **Gilles Duceppe**, Leader of the Bloc Québécois, former Prime Minister **Joe Clark** (PC) and **Bill Blaikie**, one of the longest serving Members of the New Democratic Party. Mr. Chrétien responded to the tributes with what would be his last speech in the House as Prime Minister.

Legislation

Prior to proroguing the House of Commons on November 12th, the Prime Minister and his Cabinet pushed several legislative initia-

tives through the House and the Senate including:

- Bill C-55, which grants the Supplementary Estimates (A) for the period ending March 31, 2004,
- Bill C-25, the *Public Service Modernization Act*,
- C-45, *An Act to amend the Criminal Code (criminal liability of organizations)*,
- C-48, *An Act to amend the Income Tax Act (natural resources)*,
- Bill C-6, *An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts*, and
- Bill C-50, which related to benefits for veterans and the children of deceased veterans.

A number of other bills died on the *Order Paper* and it remains to be seen which of these the new Prime Minister will revive when Parliament reconvenes in January 2004. These include Bill C-49, *An Act respecting the effective date of the representation order of 2003*, which would move forward the date of the coming into force of the new electoral map from August 25, 2004 to April 1, 2004. While the bill passed the Commons on October 23, 2003, the Senate did not pass it before the prorogation. It will need to be revived and enacted if Mr. Martin wishes to call a spring election based on the new 308-seat electoral map. Bill C-53, *An Act to change the names of certain electoral districts*, was also passed by the Commons at all stages on October 23rd, 2003, but was not taken up by the Senate.

The Prime Minister's ethics package, Bill C-34, *An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence*, was lost when the Senate passed the bill

at 3rd reading with an amendment that provides for Senate control over the appointment of the Senate Ethics Officer. The amendment was referred back to the House near the end of its final sitting day leaving no time for the matter to be taken up prior to the close of business on November 7th. Accordingly the bill died on the *Order Paper* at prorogation.

Other notable bills that died on the *Order Paper* include the controversial Bill C-7, *An Act respecting leadership selection, administration and accountability of Indian bands, and to make related amendments to other Acts*, which languished at report stage following acrimonious passage through Committee; Bill C-13, *an Act respecting assisted human reproduction*, which was not taken up by the Senate following passage through the Commons in late October and Bill C-38, the government's marijuana bill, which did not progress past report stage in the Commons.

The furor sparked by the Government's decision last summer to refer draft legislation legally recognizing the union of same-sex couples to the Supreme Court of Canada landed back in the House of Commons Chamber when the Canadian Alliance forced a vote on the issue early in the fall sitting by re-introducing the motion passed by the House in 1999, confirming the definition of marriage as a union between one man and one woman.

During debate on the motion an amendment was moved by the Canadian Alliance to delete a portion of the text of the motion. When the question was put on the amendment later in the day, the result of the vote was a tie (134 Yeas; 134 Nays). Speaker **Peter Milliken** gave his casting vote in the negative in order to allow the original question to be put to the House unaltered. The

main motion was defeated (132 Yeas; 137 Nays). In the history of the House, the Speaker has used the casting vote on only nine other occasions and these were all votes on a main motion. It is not known when the Supreme Court will deliver its opinion on the matter nor how the new Prime Minister and Cabinet intend to deal with the issue.

Privilege

Discussion of the conduct of the former Privacy Commissioner continued to figure prominently in both the Chamber and during hearings held by the Standing Committee on Government Operations and Estimates. On November 4th, 2003, **Derek Lee** (Lib.) presented the Ninth Report of the Committee entitled *Matters Related to the Review of the Office of the Privacy Commissioner* and indicated that it dealt with a matter of privilege. Later in the sitting Mr. Lee rose on a question of privilege to state that the Committee had found **George Radwanski** guilty of contempt and was seeking a decision on the matter by the House. The following day **Paul Szabo** (Lib.) sought unanimous consent to move a motion to find Mr. Radwanski in contempt of Parliament. Consent was denied, but the Speaker indicated he would study the matter. On November 9th, the Speaker ruled that the details set out in the Ninth Report were sufficient to support a finding of a *prima facie* breach of the privileges of the House and he invited Mr. Lee to move a motion regarding the contempt. **Reg Alcock**, the Chair of the Standing Committee, rose on a point of order and read a letter from Mr. Radwanski in which he apologized to the Committee and to Parliament for the mistakes that were made during his tenure as Privacy Commissioner. Mr. Lee then stated that he would not move the

motion he had intended to put forward, however several other Members rose to protest. Following negotiations, Mr. Lee later obtained consent to adopt a motion stating that the House found Mr. Radwanski in contempt of the House and acknowledge receipt of his letter of apology.

Several days later, the Government Operations Committee tabled its 11th Report, recommending the appointment of **Jennifer Stoddart**, of Quebec, as Privacy Commissioner. The report followed a meeting at which Ms. Stoddart had appeared as a witness and been subjected to intense questioning by Members of the committee. The House subsequently approved the appointment of Ms. Stoddart for a term of seven years on a motion by **Don Boudria**, Government House Leader. This was followed by Senate approval. The new Privacy Commissioner will commence her duties effective December 1, 2003, replacing **Robert Marleau**, former Clerk of the House of the Commons, who was named Interim Privacy Commissioner in July, following the resignation of Mr. Radwanski.

Committees

Early in the fall sitting, Mr. Boudria (Leader of the Government in the House of Commons, Lib.) received unanimous consent to move concurrence in the Fourth Report of the Special Committee on the Modernization of the Procedures of the House of Commons, presented on Thursday, June 12, 2003 (*Journals*, 915; *Debates*, 7177). The motion was agreed to. The report dealt with a number of items including the provision of connections to the parliamentary precinct network for Members in the Chamber and the launch of a new live broadcast (ParlVu) of Chamber and Commit-

tee proceedings via the Parliamentary website. Other recommendations changed the *Standing Orders* regarding speaking times during consideration at second and third reading of government bills and during consideration of the Main Estimates in Committee of the Whole, and the management of the adjournment debate. The Committee also recommended that the Journals Branch be permitted to accept the electronic filing of notice of motions and written questions, subject to the development of verification protocols and that the rules and requirements for petitioning the House of Commons be relaxed somewhat. The committee has also recommended that a system be developed for receiving petitions electronically.

The Special Committee's Fifth Report, also tabled in June, recommended the approval, in principle, of electronic voting in the Chamber. That report had not been concurred in at the time of prorogation.

The Procedure and House Affairs Committee also tabled several important reports in the period leading up to the close of the session. In its 50th Report, tabled and concurred in on October 29th, 2003, the Committee recommended that the provisional *Standing Orders* related to new procedures for the conduct of Private Members' Business, adopted by the House on March 17, 2003, remain in effect until the end of June 2004, or the dissolution of 37th Parliament, whichever comes first. In its 51st and 52nd reports, tabled in the House of Commons on October 30th, 2003 but not concurred in, the Committee outlined and recommended the adoption of a "Code of Conduct" for Members. Finally, the Committee's 53rd report, related to Standing Order changes on delegated legislation

was tabled and concurred in by the House on November 6th, 2003.

Private Members' Business

Following the September 16th debate on the Canadian Alliance opposition day motion regarding same-sex marriage, **Grant Hill** (CA) introduced a Private Members' Bill C-447, *An Act to protect the institution of marriage*, on September 18, 2003 and in a deviation from practice, asked for unanimous consent to allow **Stephen Harper**, the Leader of the Official Opposition to make a brief comment. While his original request was denied, following negotiations, Mr. Hill later obtained the consent of the House and Mr. Harper made a short statement condemning the Government's position on same-sex marriage and speaking in favour of Mr. Hill's bill. The bill was subsequently deemed non-votable by the Private Members' Business sub-committee (the first to have been so designated since the new rules came into effect) and, following debate at second reading in late October, was dropped from the *Order Paper*.

Several items of Private Members' Business were adopted by the House this fall:

- Bill C-250 (**Svend Robinson**, NDP), *An Act to amend the Criminal Code (hate propaganda)*, which expands the definition of "identifiable group" relating to the area of hate propaganda in the *Criminal Code* to include any section of the public distinguished by sexual orientation. It was debated in early June and, following the defeat of a number of amendments introduced by the Canadian Alliance, was adopted at report stage and third reading on September 17th, 2003. The bill was not taken up by the Senate prior to prorogation.
- On September 22, 2003, the House adopted Motion 395, regarding cost of living indexing

for the family supplement, put forward by **Eleni Bakopanos**, Assistant Deputy Chair of Committees of the Whole (Lib.).

- **Roy Cullen** succeeded in having Bill C-212 passed in the Commons on September 29th, however it was never taken up in the Senate. The bill provides for the parliamentary scrutiny and approval of user fees set by federal public authorities.
- In a rare move, on October 21st, **Jacques Saada** (Lib.) obtained unanimous consent to move that **Richard Marceau's** (BQ) Bill C-459, *An Act to establish Holocaust Memorial Day*, be deemed read and passed at all stages following brief statements by a Member of each party. The motion was agreed to and following statements by Mr. Marceau and Members from all parties, the bill was adopted. The bill was also passed by the Senate and received Royal Assent on November 7, 2003.

Other Matters

On September 15, 2003, the Speaker announced a vacancy in the riding of Ottawa Centre, following the appointment of **Mac Harb** (Lib.) to the Senate on September 8th, 2003.

The same day the Speaker welcomed **Gilbert Barrette** (Temiscamingue, Lib.) and **Christian Jobin** (Lévis-et-Chutes-de-la-Chaudière, Lib.) and invited them to take their seats in the Commons. The two were elected during by-elections held in Quebec on June 16, 2003.

John Bryden, (Lib.) paid tribute to the **John Munro**, (Lib.) who died on August 19th, 2003. Mr. Munro served as a Member of Parliament from 1962 to 1984 and was appointed to Cabinet in 1968 holding a number of portfolios, including that of Indian and Northern Affairs.

On Wednesday, October 1st, 2003, **Sarkis Assadourian** (Lib.) received unanimous consent to move a motion calling on the Government

of Iran to exhume and return to Canada the body of the late **Zahra Kazemi**, the Iranian-Canadian photojournalist who died while in an Iranian jail. Following statements by Mr. Assadourian, **Stockwell Day** (CA), **Francine Lalonde** (BQ), **Bill Casey** (PC) and **Svend Robinson** (NDP), the motion was deemed adopted.

On Thursday, October 2nd, 2003, all parties rose to make statements and pay tribute to the two Canadian soldiers killed during a patrol in Afghanistan.

Finally, prior to the end of the sitting, on Thursday, November 6, 2003, **Rey Pagtakhan**, Minister of Veterans Affairs, made a statement on Veteran's Week. Statements followed by **Roy Bailey** (CA), **Claude**

Bachand (BQ), **Elsie Wayne** (PC) and **Bill Blaikie** (NDP). Members then stood for a moment of silence in honour of war veterans.

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