



# Legislative Reports

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## British Columbia

The Legislative Assembly adjourned on May 20, having sat for a total of 47 days since the opening of the Fifth Session on February 10, 2004. During the spring sitting, 64 pieces of legislation were introduced, and 53 Government Bills and 3 Private Bills were granted Royal Assent. When the House adjourned, there was only one government bill remaining on the Order Paper – Bill 45 will establish a community living authority to provide for the delivery of support services to children and adults with developmental disabilities.

### Public Bills

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The passage of the *Cremation, Interment and Funeral Services Act* (Bill 3) was reported on in the previous issue. However, on May 12, 2004, the government took the unusual step of declaring third reading of Bill 3 null and void and recommitting the bill in respect to sections 1 and 68. The recommitment appears to have been in response to concerns raised during the Bill's original passage that the original definition of spouse did not explicitly include same-sex

partners. The new amendment to section 1 clarifies that the definition of spouse includes "a person who has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death." The amended Bill 3 passed committee stage and third reading unanimously and was granted Royal Assent on May 13.

Other public bills introduced and passed by the legislature in May included the *Wildlife Amendment Act, 2004* (Bill 51). This new law is designed to improve the government's ability to protect species at risk and to bring provincial conservation efforts in line with those of the federal *Species at Risk Act*. The amendments permit government to designate a species' residence, such as a den or a nest, for additional protection, as well as expand the definition of species from animals and birds to include fish, insects and plants. During the committee stage of Bill 52, Opposition House Leader **Joy MacPhail** (Vancouver-Hastings) expressed concern that the legislative definition of species at risk is being determined by government rather than by scientists. However, the government explained that the definitions of at-risk species will be based upon recommendations made by the Committee on the Status of Endangered Wildlife in Canada, the same body that advises the federal government.

Two companion pieces of legislation affecting the province's real estate industry were also enacted in May. The *Real Estate Services Act* (Bill 41) requires that strata managers now acquire a real estate licence; implements a statutory compensation fund to protect consumers from licensee theft or fraud; and gives the Real Estate Council of British Columbia direct jurisdiction over the regulation of licensees. The *Real Estate Development Marketing Act* (Bill 42) simplifies the requirements that a developer must meet before marketing development property and provides the Superintendent of Real Estate with more effective administrative powers to enforce compliance with the act. Bill 41 had a smooth passage through all stages, whereas Bill 42 prompted several questions by government Private Members at the committee stage.

An important initiative regarding electoral reform was also endorsed by the House before the summer recess. The *Electoral Reform Referendum Act* (Bill 52) outlines the special rules that would apply to holding a referendum if the Citizens' Assembly on Electoral Reform recommends a new model for electing the 79 Members of the Legislative Assembly. The Act stipulates that the outcome of the referendum would be binding only if 60 percent of the total votes cast and 60 percent of the electoral districts endorse the new method of voting. The referendum would be held in conjunction with the May 2005 provincial general election. If a new electoral

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model was endorsed by the public, it would be implemented in time for the 2009 provincial general election.

The Attorney General **Geoff Plant** (Richmond-Steveston) explained to the House that if the Citizens' Assembly recommends no change to the existing electoral system, there would be no referendum. At committee stage, the opposition inquired as to how the process of writing the referendum question will be addressed, arguing that "the way the question is written is often as much up for debate as the actual vote itself." Mr. Plant explained that the details regarding the language and length of the referendum question still need to be worked out.

The provincial *Elections Act* has also been amended recently to change the process of enumerating qualified voters. The amendments in Bill 54 will permit Elections BC to use the federal register of electors for provincial voter registration. The legislative changes are designed to eliminate costs associated with door-to-door enumeration and to increase the number of registered voters by over 700,000. One amendment also removes the requirement for a registration signature, which could pave the way for on-line registration.

#### Committee Activities

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On May 19, 2004, the Special Committee to Review the *Freedom of Information and Protection of Privacy Act* completed its yearlong examination of the province's public sector access and privacy law, the first such review since 1999. In total, the committee made twenty-eight recommendations to improve the public's right of access to records and to strengthen privacy protection. These included promoting more routine disclosure of government records; encouraging public bodies

to adopt or update privacy-enhancing technologies; and strengthening the powers of the province's Information and Privacy Commissioner.

The Special Committee to Appoint a Merit Commissioner, chaired by **Jeff Bray** (Victoria-Beacon Hill) successfully completed its search for a Merit Commissioner. This is the first time an all-party parliamentary committee has recommended such an appointment in British Columbia. The Merit Commissioner is responsible for conducting random audits of appointments to and within the public service, and reporting annually the results to the Legislative Assembly. In its report to the House, the committee unanimously recommended **Diane Rabbani** for the position on May 20. Ms. Rabbani also assumes the roles of Deputy Minister of the B.C. Public Service Agency and agency head.

It is anticipated that the Special Committee on the Citizens' Assembly on Electoral Reform will meet in the fall to report on the outcome of the public hearings process. In addition, five standing committees have become active again – Health, Finance and Government Services, Education, Public Accounts and Crown Corporations.

#### Other Matters

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On May 20, 2004, the Minister of State for Immigration and Multicultural Services **Gulzar Cheema** (Surrey-Panorama Ridge) resigned from cabinet to run unsuccessfully in the federal election. His departure from the provincial scene means that a by-election will have to be held on or before November 27, 2004.

As a result of the recent redistribution of the federal electoral map, British Columbia gained three new ridings (Abbotsford, Burnaby-New Westminster and Newton-North

Delta) but lost the riding of Cariboo-Chilcotin. One noteworthy event in the June 28 election was the victory of **Chuck Cadman** in Surrey North, the only Independent MP elected to the new House. Also of interest, **Gurmant and Nina Grewal** were elected as Conservatives in adjacent lower mainland ridings, becoming the country's first married couple to win seats in the Parliament of Canada.

**Michael Beninger and  
Brant Felker**  
Committee Researchers



## Alberta

The Spring Sitting of the Fourth Session of the Twenty-Fifth Legislature adjourned on May 13, 2004 after 43 sitting days. At the conclusion of the sitting, 35 Government Bills, 3 Private Members' Public Bills and 4 Private Bills were passed by the Assembly. One Private Bill was the only item of business left on the Order Paper other than Motions Other Than Government Motions and Private Members' Public Bills.

#### Privilege

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On May 13, 2004, at the conclusion of the Spring Sitting, **Patricia Nelson**, Minister of Finance, raised a purported question of privilege regarding comments made by **Hugh MacDonald** (Lib, Edmonton-Gold Bar) during Oral Question Period on May 12. The remarks were based on an alleged statement made by the Minister at the Public Accounts

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Committee that same morning. In the preamble to his question, he stated:

The Finance Minister, in an astonishing display of mismanagement admitted to the Public Accounts Committee this morning that she fumbled the ball on skyrocketing auto insurance rates when she indicated that she didn't know her department was rubber-stamping rate increases that led to a record high 59 per cent rise in auto insurance premiums for average Albertans.

Mr. MacDonald later withdrew his remarks and apologized to the Minister who, in turn, requested and received Speaker **Ken Kowalski's** permission to review Hansard in order to determine if she should pursue the matter.

The next day, the Minister raised a purported question of privilege explaining that she felt harassed in the performance of her duties as a Minister of the Crown. She further claimed that Mr. MacDonald had misled the House by deliberately providing inaccurate information and misrepresenting the statement she had made at the Public Accounts Committee meeting.

The Speaker heard from **Laurie Blakeman**, the Official Opposition House Leader, who argued that proper notice had not been given and requested the Speaker hear further from her the next sitting day. The Speaker agreed to defer the matter until the next time the Assembly meets.

### Resignations

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Two Members of the Legislative Assembly resigned in May in order to run as candidates in the federal election. On May 25, 2004, **Ken Nicol** resigned as Liberal MLA for the constituency of Lethbridge-East. Dr. Nicol served three terms in the Assembly and was Leader of the Official Opposition from 2001 until

February 7, 2004. **Debby Carlson** announced her resignation as the Liberal MLA for the constituency of Edmonton-Ellerslie on May 28, 2004. Ms Carlson, who also served three terms in the Assembly, was once the House Leader for the Official Opposition.

On July 13, **Raj Pannu** resigned as the leader of the New Democrat opposition but indicated he would still seek re-election in the constituency of Edmonton-Strathcona in the next provincial election. Dr. Pannu was first elected to the Alberta Legislature in 1997. He became leader of the party in February, 2000. **Brian Mason** (ND, Edmonton-Highlands) will serve as interim leader until the leadership convention which is scheduled for September 18, 2004. Mr. Mason was first elected to the Assembly in a by-election in June 2000 and was re-elected in 2001.

### Caucus Changes

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On June 29, 2004, **Gary Masyk** (Edmonton-Norwood) left the Progressive Conservative party. He has since asked to be recognized as a member of the Alberta Alliance Party, a newly registered party in Alberta since April 2004. Mr. Masyk's constituency of Edmonton-Norwood will no longer exist under changes to Alberta's Electoral Boundaries which come into effect in the next provincial general election. He has, however, been nominated as the Alberta Alliance candidate in the new constituency of Edmonton-Decore.

As a result of this change, there are now 73 Progressive Conservatives, 5 Liberals, 2 New Democrats, 1 Independent Member and 2 vacant seats in the Legislative Assembly.

### Other Events

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On June 6, 2004, Speaker Kowalski hosted a ceremony on the steps of the Alberta Legislature to commemorate the 60th anniversary of D-Day and the Battle of Normandy. Joining Speaker Kowalski at the ceremony were **Lois Hole**, Lieutenant Governor, **Dave Hancock** of Minister of Justice and Attorney General, **Anne McLellan**, Deputy Prime Minister, as well as other federal, provincial and civic officials. Representatives from the military and veterans who served in D-Day/Battle of Normandy Campaign were also in attendance.

**Micheline Gravel**

Procedural Clerk

Alberta Legislative Assembly



### Manitoba

The Second Session of the 38th Manitoba Legislature concluded on June 10, 2004. Notable events during the session including the approval of the first budget introduced by the NDP government since its re-election in June 2003, as well as the consideration and passage of 51 Bills, including:

- Bill 14 – *The Gas Tax Accountability Act*, dedicating all provincial road use gas and diesel taxes to Manitoba roads, highways and transportation systems and any new share of federal fuel taxes to municipal roads, highways and infrastructure.
- Bill 41 – *The Profits of Criminal Notoriety Act*, designed to prevent criminals from profiting from both recounting their crimes and



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selling memorabilia by freezing and redirecting any profits back to the victims.

- Bill 6 – *The Cross-Border Policing Act*, which will allow provincial or municipal police from other Canadian jurisdictions to be appointed as police officers in Manitoba for a limited time to allow for better cross-jurisdictional investigations, particularly investigations related to organized crime.
- Bill 21 – *The Non-Smokers Health Protection Amendment Act*, which makes Manitoba the first province in Canada to adopt a province wide smoking ban. This Bill has an interesting history, beginning life as a private Members Bill brought forward several sessions ago by **Denis Rocan** (PC - Carmen). The Bill was reinstated once and subsequently inspired an all party committee to meet with citizens across the province to hear their views on the idea of banning smoking from all public places. The end result of that process was the current bill which passed this session.

At the close of the session MLAs from all three parties voted to accept the final *Backman Report* on MLA pay and pension. The report freezes MLA pay for 2004-05 by rolling back an automatic 1.4 per cent pay increase awarded April 1. The report also gives MLAs the option to join a pension plan or remain with their current RRSP program – a revenue neutral recommendation. In a related move, MLAs also passed a bill referring future decisions on pay to an independent commission, with the findings binding on the legislature. This will remove the necessity for MLAs to vote on their own compensation levels.

Standing Committee Activity was moderate this session. Our committees met on seven occasions to consider reports from Crown Corporations and the Auditor General, while another 12 meetings

were held to consider legislation and hear public presentations.

Intersessional Standing Committee meetings are anticipated in the fall to hear public presentations and consider several Bills not concluded during the current session.

Barring an emergency session, the House will next meet on November 22, 2004 to hear the Speech from the Throne inaugurating the Third Session of the Thirty-Eighth Legislature.

### Sessional Orders

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In an effort to expedite the final days of this session as well as map out sitting dates for the coming year, on June 8, 2004 the Government House Leader **Gord Mackintosh** (NDP - St. Johns) moved a motion outlining a range of sessional orders which included the following measures:

- Provisions for a timeline to conclude the budget process.
- Extended sitting times for the remainder of the current session.
- Authorization for the Committee of Supply and Standing Committees to sit concurrently with the House, as well as a prohibition on quorum counts for those committees meeting concurrently with the House.
- Provisions for reinstatement of Bills not given Royal Assent by the end of the current session.

Subject to our emergency recall rule, the Third Session of the 38th Legislature will begin with the Throne Speech on November 22, 2004 and rise on December 9, 2004. The House will return on March 7, 2005 and sit until June 9, 2005, with an interruption for Spring Break.

While both the Government and the Official Opposition agreed to the principles of this motion, the two independent Liberals, **Jon Gerrard** (River Heights) and **Kevin Lamoureux** (Inkster), strongly opposed the motion. In an extended

debate featuring a number of procedural twists and turns, the independent Liberals argued that the motion placed unacceptable limits on the ability of the House to conduct its business appropriately. Ultimately the motion passed and the sessional orders remain in place.

### By-Elections

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Manitobans voted in two provincial by-elections in June 2004, both triggered in one way or another by the Federal Election held the same month.

**Merv Tweed** (PC - Turtle Mountain) resigned his seat to run (and ultimately win) in the federal riding of Brandon-Souris. The by-election to fill this seat was held on June 29, with the Progressive Conservative candidate **Cliff Cullen** winning.

Cabinet Minister **MaryAnn Mihychuk** (NDP - Minto) resigned her seat to run in the Winnipeg Mayoral by-election when former Mayor **Glen Murray** resigned his position to run in the federal riding of Charleswood-St. James. The provincial by-election to fill this vacancy was held on June 21. The NDP candidate **Andrew Swan** emerged from this contest as the new MLA for Minto.

Swearing in ceremonies for both new MLAs were held in July, though they will not take their seat in the House until the next session later this year.

### New Lieutenant-Governor

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After the expiration of **Peter Liba's** five year term as Manitoba's Lieutenant-Governor, former Liberal MP **John Harvard** has assumed the duties of this office. The official installation ceremony took place in the Legislative Chamber on June 30, 2004.

**Rick Yarish**

Clerk Assistant / Clerk of Committees



## Yukon

The 2004 Spring Sitting of the Yukon Legislative Assembly, which began on March 25, ended after 30 sitting days on May 18. Six government bills passed third reading and received assent from Commissioner **Jack Cable**. These bills were:

- Bill No. 8, *Third Appropriation Act, 2003-04*;
- Bill No. 9, *Interim Supply Appropriation Act, 2004-05*;
- Bill No. 10, *First Appropriation Act, 2004-05*;
- Bill No. 43, *Act to Amend the Income Tax Act*;
- Bill No. 44, *Act to Amend the Municipal Finance and Community Grants Act*; and
- Bill No. 45, *Act to Amend the Assessment and Taxation Act*.

On May 25 the leader of the official opposition, **Todd Hardy** (Whitehorse Centre, NDP), announced a number of changes to his shadow cabinet. The new critic responsibilities are as follows:

Mr. Hardy: Executive Council Office, Finance, Economic Development and the Legislative Assembly.

**Eric Fairclough** (Mayo-Tatchun, NDP): Highways and Public Works and the Public Service Commission. Mr. Fairclough also takes over full responsibility for Education. Previously he was responsible for public schools only, with other education-related issues handled by **Steve Cardiff** (Mount Lorne, NDP).

**Gary McRobb** (Kluane, NDP): the Yukon Development Corporation, the Yukon Energy Corporation, Energy, Mines and Resources and Health and Social Services. Mr. McRobb continues as official opposition House leader.

**Lorraine Peter** (Vuntut Gwitchin, NDP): Environment, Tourism, the Women's Directorate, and the Youth Directorate.

Mr. Cardiff: Justice, Community Services, the Workers' Compensation Health and Safety Board, the Yukon Housing Corporation, and the Yukon Liquor Corporation.

On July 12 Premier **Dennis Fentie** (Watson Lake, Yukon Party) announced changes to cabinet responsibilities. No cabinet ministers were demoted, nor were any private members promoted. The changes, which became effective the following day, were as follows:

Premier Fentie: retained responsibility for Finance and the Executive Council Office, which includes responsibility for land claims and the Youth Directorate; relinquished Economic Development and the Women's Directorate.

**Peter Jenkins** (Klondike, Yukon Party): retained Health and Social Services and the Workers' Compensation Health and Safety Board; added Environment. Mr. Jenkins continues as government House leader.

**John Edzerza** (McIntyre-Takhini, Yukon Party) retained Education; added Justice; relinquished the Public Service Commission.

**Elaine Taylor** (Whitehorse West, Yukon Party): retained Tourism and Culture, added the Public Service Commission and Women's Directorate; relinquished Justice.

**Jim Kenyon** (Porter Creek North, Yukon Party): added Economic Development, the Yukon Liquor Corporation and the Yukon Housing

Corporation; relinquished Environment.

**Glenn Hart** (Riverdale South, Yukon Party): retained Community Services, and Highways and Public Works; relinquished the Yukon Liquor Corporation and the Yukon Housing Corporation.

The responsibilities of **Archie Lang** (Porter Creek Centre, Yukon Party) did not change. Mr. Lang retains responsibility for Energy, Mines and Resources, the Yukon Development Corporation and the Yukon Energy Corporation.

### **Standing Committee on Public Accounts**

The Assembly altered the membership of the Standing Committee on Public Accounts on May 17. The motion to alter membership officially replaced Premier Fentie and Mr. Jenkins with two government private members, **Dean Hassard** (Pelly-Nisutlin, Yukon Party) and **Brad Cathers** (Lake Laberge, Yukon Party). Mr. Hassard had been substituting for Mr. Fentie since May 2003. The PAC is now composed entirely of private members.

The Public Accounts Committee of the 31st Yukon Legislature issued its first report on July 15. The report was based on public hearings held February 3-5, 2004 and written responses to specific questions the Committee put to the operational heads of these entities in advance of the public hearings. This report was the first issued since 1999 and only the second since 1991.

The report focused on four government corporations – the Yukon Development Corporation, the Yukon Housing Corporation, the Yukon Liquor Corporation and the Yukon Hospital Corporation – as well as the Workers' Compensation Health and Safety Board and Yukon College. The report contained nine

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recommendations. These recommendations focus on:

- the way in which individuals are appointed to the boards of directors of these entities;
- the training these individuals receive;
- the means by which these entities report to the Cabinet, the Legislative Assembly and Yukoners, generally; and
- how their mandates are evaluated.

Though the report focuses on the activities of these entities, implementing the recommendations will also require action by the Cabinet and the Legislative Assembly.

The report also acknowledges the role the Public Accounts Committee must play in the accountability process and that the inactivity of the committee in recent years has left a gap in that process. Committee members have expressed their intention to make PAC activities a regular part of the public accountability process in Yukon. The report will be tabled during the next sitting of the Assembly.

#### Independent member

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On April 28 **Haakon Arntzen** (Copperbelt) resigned from the government caucus to sit as an independent member. Mr. Arntzen made this move after criminal charges were laid against him regarding incidents that allegedly occurred in the 1970s. The standings in the House are now: Yukon Party 11 members, NDP 5, Liberal 1, and Mr. Arntzen as the lone independent member.

**Floyd McCormick**  
Deputy Clerk



## New Brunswick

The first session of the Fifty-fifth Legislature, which adjourned April 23, 2004, resumed May 4, 2004. During the adjournment Speaker **Bev Harrison** (PC, Hampton-Belleisle) presided over the Fifteenth Annual Student Legislative Seminar. Fifty-two students from around the province attended various workshops and lectures focusing on the judicial, executive and legislative branches of government. Guest speakers included Judge **David Walker**; **Kirk MacDonald** (PC, Mactaquac); **Shawn Graham**, Leader of the Opposition, (Lib., Kent); and Premier **Bernard Lord** (PC, Moncton East). The weekend event culminated with the students participating in a model Parliament within the Legislative Assembly's historic Chamber.

Following the resumption of the session, the health reforms introduced by the government attracted hundreds of protesters to the grounds of the Legislature. Members and staff were serenaded with the Twisted Sister song "We're Not Gonna Take It", which was repeatedly sung outside the Chamber.

#### Legislation

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On June 30, 2004, the Progressive Conservative government adjourned its first full session since securing a thin majority in the Legislature. Among the 42 government bills passed during the spring sitting are the following:

- Bill 38, *An Act Respecting Sunday Shopping*, introduced by **Brenda Fowlie**, Minister of the Environment and Local Government (PC, Kennebecasis), gives municipalities the authority to decide whether to permit Sunday shopping within their jurisdiction.
- Bill 44, *Securities Act*, introduced by **Brad Green**, Minister of Justice and Attorney General (PC, Fredericton South), provides a modernized securities regulatory system that is harmonized with securities legislation in other Canadian jurisdictions.
- Bill 75, *Smoke-Free Places Act*, introduced by **Elvy Robichaud**, Minister of Health and Wellness (PC, Tracadie-Sheila), bans smoking in all indoor public places in the province.
- Bill 78, *An Act to Amend the Insurance Act*, introduced by Minister Green, brings about legislative changes affecting automobile insurance regulations including the creation of a no-frills insurance option for all drivers which offers reduced accident benefits at a lower standard rate; the creation of a first chance insurance discount for all first-time drivers to access affordable coverage; and the establishment of a New Brunswick Insurance Board to review insurance rates.
- Bill 79, *Consumer Advocate for Insurance Act*, introduced by Minister Green, establishes the Office of the Consumer Advocate for Insurance which, in addition to handling general inquiries regarding insurance rates and product availability, will have public intervener status at all rate hearings undertaken by the New Brunswick Insurance Board and will be responsible for developing plain language information on auto insurance to be distributed to insurance customers. The Office will report directly to the Legislative Assembly and its expenses will be charged back to the insurance industry.
- Bill 81, *An Act to Amend the Legal Aid Act*, introduced by Minister Green, gives the government the



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authority to establish, administer and fund a legal aid plan.

In addition, two private members' public bills were passed during the spring sitting. Bill 24, *An Act to Amend the Human Rights Act*, introduced by **Elizabeth Weir** (NDP, Saint John Harbour), gives individuals protection from discrimination based on social condition or political belief or activity. Bill 46, *Child and Youth Advocate Act*, introduced by **Shawn Graham**, Leader of the Opposition, establishes the Office of the Child and Youth Advocate which will ensure that the rights and interests of children and youths are protected; that the views of children and youths are heard and considered; that children and youths have access to all necessary services; and that information and advice is provided to the government and communities about the availability, effectiveness, and relevance of these services.

### Speaker's Rulings

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On May 6 Speaker Harrison rose in the Chamber and corrected a statement he was purported to have made in a local newspaper regarding comments made by the Leader of the Opposition, to the Speaker with respect to the reason for Mr. Graham's resignation from the Legislative Administration Committee. Speaker Harrison clarified that he did not disclose any confidential statements made by Mr. Graham in committee.

On the same day, **Kelly Lamrock** (Lib., Fredericton - Fort Nashwaak) rose on a question of privilege and gave notice of his intention to move a motion that "the Speaker of the Legislative Assembly, be suspended from the position of Speaker of this House until such time as the Standing Committee on Privileges has investigated the alle-

gations that the Speaker has, by acting in a manner inconsistent with the neutrality of his office, breached the privileges of the House."

In a ruling delivered by **Richard (Cy) LeBlanc**, Deputy Speaker (PC, Dieppe-Memramcook), the question of privilege was ruled out of order as the actions of the Speaker are not to be criticized in debate, or by any other means, except by way of a substantive motion. Deputy Speaker LeBlanc further noted that the question of privilege could be viewed as an attack on the authority and impartiality of the chair, which itself is out of order.

On May 19 Ms Weir accused the Minister of Health and Wellness of lying to the House in relation to whether a CEO of a Regional Health Authority had resigned or was fired. Following three separate requests by the Speaker that Ms. Weir withdraw the unparliamentary comment, and three refusals by the member, she was ordered by the Speaker to withdraw from the House for the remainder of the day, which she did without further comment.

On June 15, during consideration of the estimates of the Department of Health and Wellness in Committee of Supply, the Leader of the Opposition moved a motion that the Committee urge the government to delay expected bed cuts until a long term care strategy was presented to the House and implemented in the province. Following the raising of a point of order, the motion was ruled out of order as the motion amounted to a substantive recommendation that went beyond the scope of the Committee's order of reference, which is to approve, reduce, or negative the estimates under consideration. Following the ruling of the Chairman, the decision was appealed to the Speaker pursuant to Standing Rule 80, whereupon

the ruling was sustained by the Speaker.

Following the adjournment of the 61-day session, the standings in the House were: 28 Progressive Conservatives, 25 Liberals, 1 New Democrat, and 1 vacancy.

**Shayne Davies**  
Clerk Assistant and  
Committee Clerk



## Prince Edward Island

On Thursday, May 20, 2004, the First Session of the Sixty-second General Assembly adjourned to the call of the Speaker after 47 sitting days. During the Session, a total of 50 bills received Royal Assent; 50 motions were tabled; 175 written questions were submitted; 137 ministerial statements were read; and 138 members' statements made.

Seven private members bills, 12 government motions, and 13 motions other than government remain on the *Order Paper*. In addition, a report by the Standing Committee on Privileges, Rules and Private Bills stands referred to the Committee of the Whole.

Bill No. 30, *An Act to Amend the Legislative Assembly Act*, received Royal Assent during the Session. The Act adds a provision to clarify that any committee of the Legislative Assembly may command and compel the attendance before the committee of such persons, and the production of such documents as the committee orders. The change codifies the inherent right of any committee of the Legislative As-

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sembly to exercise parliamentary privilege in this manner

### Committee Activity

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The Standing Committee on Community Affairs has been charged with undertaking a review of the *Freedom of Information and Protection of Privacy Act*. The Committee has been instructed to take a balanced approach in considering government's obligations to not only grant citizens access to information but to also protect a citizen's legitimate right to privacy. The Attorney General, a member of the Committee, has withdrawn from consideration of this matter as his department is responsible for the legislation. The Committee plans to commence public consultations in the fall.

A Special Committee on Climate Change was established by motion on May 20, 2004, to consult with Islanders and to develop recommendations on a climate change strategy for the province. Membership on the Special Committee is to be established by the Premier and the Leader of the Opposition.

The Standing Committee on Social Development is responsible for recommending to the Legislative Assembly persons to serve on the Prince Edward Island Human Rights Commission. In April 2004, the Committee placed a series of advertisements in newspapers across the province inviting individuals interested in serving as a commissioners to submit their résumés for consideration. This marked the first time an open competition had been held for the positions. Response to the advertisements was very positive, with a total of 19 applications received. The Committee recommended the appointments of three individuals – **Richard Montigny**, **Anne Nicholson** and **Ann Sherman** – and the Legislative As-

sembly adopted the recommendation on May 19, 2004.

The Standing Committee on Agriculture, Forestry and Environment recommended a fundamental shift in the direction of the Prince Edward Island agriculture industry in its report tabled in the Legislative Assembly on May 19, 2004. The Committee advocated a transition from an industrialized, commodity-based model to one which is based on product differentiation and branding, building on the Island's pastoral image, geographic isolation, healthy environment and tradition of family-farming. The report also presented a number of detailed recommendations aimed at easing the financial crisis facing beef and hog producers. The complete text is available at [www.assembly.pe.ca](http://www.assembly.pe.ca)

### Electoral Boundaries Commission Interim Report

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The Prince Edward Island Electoral Boundaries Commission released its interim report on proposed changes to the area, boundaries and names of the province's 27 electoral districts on June 30, 2004. The complete report is available online at [www.electoralboundaries.ca](http://www.electoralboundaries.ca) The Commission also announced it will hold public hearings in September to receive feedback on the proposals contained in the report. The Commission's final report is due in October of this year.

### Assemblée parlementaire de la Francophonie (APF)

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From July 4 to July 7, 2004, the Legislative Assembly of Prince Edward Island hosted the Thirtieth Session of the Assemblée parlementaire de la Francophonie (APF). It was the first time that an associate section of the APF hosted this annual event. Special guests included **Abdou Diouf**, Secretary-General of the Or-

ganisation internationale de la Francophonie.

Parliamentary delegations from around the world, including Burkina Faso, Cameroun, France, Lithuania, Morocco, Niger, Tunisia and Vietnam among others, convened in Charlottetown for their annual conference. Participants deliberated on issues of common interest to the international Francophone community.

"It was a great honour for our Legislative Assembly and the Province of Prince Edward Island to have been chosen to host this prestigious event," said MLA **Wilfred Arsenault** who was instrumental in bringing this international conference to the Island.

While in Prince Edward Island, delegates and their guests attended a reception at Government House hosted by the Lieutenant-Governor, **J. Léonce Bernard**, and enjoyed a dinner to celebrate the 400th anniversary of l'Acadie, toured the Confederation Bridge and attended a reception hosted by Premier Binns at Founders Hall, among other activities.

The APF brings together 73 parliaments from all five continents and serves as a democratic link between Francophones and their institutions worldwide. It also serves as a forum for debate and information exchange on issues of common interest to French-speaking parliamentarians. The APF initiates and implements action in the areas of interparliamentary cooperation and democratic development. Its actions aim at strengthening solidarity between parliamentary institutions and promoting democracy, especially within the international Francophone community.

Eleven individuals from Prince Edward Island were awarded the prestigious Ordre de la Pléiade on July 6. The award is an order cre-



ated by the Assemblée parlementaire de la Francophonie (APF) that recognizes the accomplishments of those who have distinguished themselves by promoting the ideals of cooperation and friendship of the APF. Among the recipients were **Pat Binns**, Premier; and **Gregory J. Deighan**, Speaker of the Legislative Assembly. Both received the Grand Officier award. Premier Binns played a significant role in the proclamation of the *French Language Services Act* in April 2000 which ensures the delivery of French language government services to the Acadian and Francophone community of the province. As past Minister of Tourism and Aquaculture and Fisheries, and as current Speaker of the Legislative Assembly, Mr. Deighan continues to be a supporter of the Acadian and Francophone community. MLA for the Évangéline-Miscouche district, Mr. Arsenault, received the Officier award for his work in the community and economic development of the province.

#### Other Matters

The community of Murray Harbour (population 357) celebrated with its home town hero, **Brad Richards**, on August 3, 2004. The Stanley Cup, Conn Smythe Trophy and the Lady Byng Trophy were on display at the ball field for the thousands of Islanders and visitors who attended the festivities. The Premier declared August 3, 2004, to be "Brad Richards Day" in honour of Brad's significant achievements in the sport of hockey.

Finding sources for PEI history became a little easier in June with the launch of a new web site providing access to more than 1,000 archival collections held by six institutions in the province. Archives PEI (located at [\[brary.pe.ca/acpei\]\(http://www.library.pe.ca/acpei\)\) is a searchable database and is a part of Archives Canada, which includes descriptions of archival records held in more than 800 archival institutions in Canada.](http://www.li-</a></p></div><div data-bbox=)

In June, Province House was designated under the *Heritage Places Protection Act* by the Minister of Community and Cultural Affairs, **Elmer MacFadyen**. The designation provides legal protection for the structure and ensures that any changes, repairs or alternations respect the historic character of the building. Perhaps best known as the site of the Charlottetown Conference in 1864, Province House has been the seat of the provincial government since its completion in 1847. The account in *Royal Gazette* newspaper of the day described it as "an honor to the Island...which seems to command a feeling of pride and satisfaction in all who visit it," a sentiment which continues to the present day.

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



On June 17, 2004, the Assembly adjourned its proceedings for the summer after having adopted the Government's budgetary policy as well as 19 public bills and nine private bills since the resumption of parliamentary work in March. It should also be noted that the Assembly examined and approved seven international commitments, pursuant to the *Act respecting the*

*Ministère des Relations internationales.*

#### Parliamentary reform

On June 11, 2004, the day after **Jacques P. Dupuis**, Government House Leader and Minister for the Reform of Democratic Institutions, tabled a document containing parliamentary reform proposals, **Michel Bissonnet**, President of the National Assembly, tabled his parliamentary reform project. The proposed modifications aim to promote the parliamentary institution and the role of Members and relate to both Assembly and standing committee proceedings.

It should be noted that the proposals made by Mr. Bissonnet revolve around four main themes, namely the autonomy and initiative of Members, the efficiency of their work, the observance of democratic equilibrium in the parliamentary deliberations and, finally, closer relations between the Assembly and the citizens.

Among the principal changes proposed are the election of the President of the Assembly by secret ballot, proposals favouring the holding of free votes, as well as a parliamentary calendar spanning a longer period of time but comprising a much shorter period of extended hours of sitting.

As regards legislation, the current motion to suspend certain rules of procedure would be replaced by a simpler procedure that could only be used for a single bill at a time and that would guarantee a minimal amount of debate time for each stage of its consideration. This more or less translates into the permanent adoption of the exceptional procedure that was temporarily in effect during the Second Session of the 36th Legislature.

The project also comprises several proposals to bring the Assem-

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bly and the citizenry closer together, more particularly by providing citizens with the possibility of being heard by a standing committee without being required to submit a brief beforehand. Furthermore, other proposals include enabling citizens to increasingly take part in the public hearings held by committees via the new technological realities, such as videoconferencing and on-line consultations.

Moreover, the project answers certain concerns expressed regarding the Assembly questioning the conduct of a citizen. Finally, it reintroduces the obligation for the Government to answer petitions tabled in the Assembly and provides for a mechanism facilitating the examination of petitions by the standing committees.

### Membership Changes

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**Christos Sirros** resigned on June 17, 2004, as Member for Laurier-Dorion. Mr. Sirros held the parliamentary office of First Vice-President of the National Assembly. The membership of the Assembly currently stands as follows: Liberal Party, 72 Members; Parti Québécois, 45 Members; Action démocratique du Québec, 4 Members; independent, 1 Member; 3 vacant seats.

### Rulings and directives from the Chair

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In answer to the questions raised by the Official Opposition House Leader at the sitting of March 31, 2004, concerning the validity of a special warrant issued by the Government on February 25, 2004, and its impact on the examination of the estimates of expenditure at the Assembly, the President gave the following directive on April 7, 2004:

Notwithstanding that the adoption of interim supply on March 31, 2004, has rendered moot the question raised by the Official Opposition House Leader, the Chair deems that an answer is in order, owing to the importance of the matter at hand. The issuing of a special warrant provided by statute comes under the financial initiative of the Government, and the Chair of the Assembly does not have the authority to rule on the validity of such a warrant or on its advisability. It is well established in parliamentary law that the interpretation of statutes, subject to those containing provisions relating to parliamentary procedure, comes under the jurisdiction of the courts and not of the Chair of the Assembly.

As the special warrant issued on February 25 essentially referred to the same period as that covered by interim supply, it would thus have had an impact on the examination and adoption of the estimates of expenditure for the 2004-2005 fiscal year, since interim supply would no longer have been necessary.

Despite the fact that the *Standing Orders* do not oblige the Assembly to adopt interim supply, the Chair is concerned with all matters that could restrict the role of the Assembly in the control it must exercise with regard to public expenditures. Since a special warrant is an exceptional measure, it is not desirable that it replace the examination process and adoption of the estimates provided for in the *Standing Orders*, including interim supply.

### Interparliamentary relations

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In order to foster the exchange of experiences between France and Quebec, the National Assembly welcomed, from April 18 to 25, 2004, a delegation of the Groupe Interparlementaire France-Québec du Sénat de la République française (GIFQS). The members of the French delegation headed by Senator **Michel Mercier** took part in working meetings on the management of the Quebec health system and territorial government.

From May 3-5, 2004, on the occasion of a visit organized in collaboration with the Canadian Parliamentary Centre, the National Assembly welcomed a delegation of nine Members of the National Assembly of Niger. Within the framework of this visit, the delegation members took part in work sessions on the operation of the Quebec National Assembly and held meetings with the appropriate standing committees regarding finance and public expenditures. They also discussed strategies on the fight against poverty. This visit stemmed from the efforts deployed since 2001 by the Quebec National Assembly to support the institutional strengthening of the National Assembly of Niger.

Within the framework of the reflection on parliamentary reform currently underway at the National Assembly, from June 27 - July 1 2004, Mr. Bissonnet, President of the National Assembly, headed a delegation of four Quebec parliamentarians to England and Scotland. The working meetings enabled the Members to learn more about the recent parliamentary reforms conducted in the Parliaments of Westminster and Scotland. Furthermore, while a reform of the election procedure in Quebec is being discussed, Quebec parliamentarians took the opportunity to inform themselves on election practices in Scotland, including the proportional representation electoral system in Europe, Scotland and in municipalities.

The President of the National Assembly and five Quebec Members took part in the 30th Session of the Association parlementaire de la Francophonie which took place from July 3-7, 2004, in Charlottetown, Prince Edward Island. The Quebec delegation participated in a debate that led to the adoption of

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the APF opinion on sustainable development that will be presented to the heads of State and Government of the Francophonie at their next Summit, which will be held in Ouagadougou in November 2004. The Session also gave participants the opportunity to hear the Secretary General of the Organisation internationale de la Francophonie, **Abdou Diouf**. Moreover, Francophone parliamentarians participated in a debate whose theme was Citizens in relation to politics: crisis and renewal.

The Quebec delegation subsequently took part, on July 8-9, 2004, in the proceedings of the 21st Session of the APF's Assemblée régionale Amérique. In Prince Edward Island, the parliamentarians of the Région Amérique particularly discussed the promotion of the French language in Canadian embassies as well as immigration, hospitality and integration policies with regard to Francophone communities.

#### **Educational activities**

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The 12th edition of the Young Democrats' Tournament took place from April 16-18, 2004. This friendly competition enables Secondary 4 and 5 students and college students to increase and test their knowledge of the history of democracy throughout the world and of Québec's parliamentary institutions. Again this year, more than 300 students and 60 professors took part in this educational activity in which the Ministère de l'Éducation, the National Capital Commission of Québec, the Jean-Charles-Bonenfant Foundation as well as Éditions SRP also collaborated.

On May 14, 118 students from 6th grade elementary experienced a unique event by taking part in the Pupils' Parliament. This parliamen-

tary simulation is a wonderful opportunity to become more familiar with the manner in which parliamentary proceedings are conducted. In preparing this day, each participating class drafted a short bill and elected a pupil-Member. Three bills were selected, discussed and voted on: the *Act inviting 3rd cycle elementary students to devote one period of tutoring to students with learning difficulties (adopted)*; the *Act obliging elementary schools and high schools to monitor the physical fitness of all students on a yearly basis (negated)*; and the *Act obliging school boards to introduce first aid courses for 3rd cycle elementary students (adopted)*.

#### **Other Matters**

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On 8 June 2004, the President of the Assembly, accompanied by the Chief Government Whip and the Chief Opposition Whip, **Yvon Vallières** and **Michel Morin**, released the results of a survey on the knowledge and perception that Quebec citizens have of the National Assembly and its Members, as well as on the communication methods used to provide information to the citizenry on these subjects. This survey, which was requested by the National Assembly and conducted by the Léger Marketing firm among 1002 Quebecers, indicates while the National Assembly is generally relatively well known as an institution, its role, its functions and its Members remain somewhat misunderstood. It also reveals a moderate interest in parliamentary proceedings.

On April 13, in collaboration with the Salon international du livre de Québec, the National Assembly held the second edition of *Political Book Day in Quebec*. The purpose of this activity is to encourage authors who write on subjects related to

Quebec politics, to promote political books, to contribute to bringing together the main democratic institution of Quebec, the citizens and the authors and to foster the dissemination of knowledge regarding Quebec's parliamentary institutions. The day's events were presided over by the President of the National Assembly, and were coordinated by **Diane Leblanc**, Second Vice-President of the National Assembly.

The Jean-Charles-Bonenfant Foundation scholars officially tabled their dissertations on 30 June 2004 in a ceremony which marked the end of an internship that began in September 2003 and that enabled **Pierre-Marc Daigneault**, **Jérôme Laflamme**, **Frédéric Legendre** and **François Rivet** to acquire theoretical and practical knowledge of the National Assembly as well as of the role and work of its Members, particularly through being paired with Members of different parliamentary groups.

#### **Manon Voyer**

Secretariat of the National Assembly

#### **Committees**

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This spring, in addition to examining various bills, the standing committees carried out orders of initiative and statutory orders as well as several orders given by the Assembly.

#### **Orders of initiative and statutory orders**

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The Committee on Agriculture, Fisheries and Food completed its mandate on the new issues concerning food safety. On June 11 it tabled a report entitled *La sécurité alimentaire : un enjeu de société, une responsabilité de tous les intervenants de la chaîne alimentaire*. This report, which contains 26 recommendations that were adopted unani-



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mously, concludes work that was carried out over an eleven-month period and that involved, from December to March, the participation of close to 200 citizens and groups. It is interesting to note that 112 opinions were submitted via the Internet. The Members recommended more particularly the obligatory labelling of food products containing GMOs and an integrated food safety policy.

The Committee on Culture also concluded its mandate on the five-year report from the Commission d'accès à l'information (document entitled *Reforming Access to Information: Choosing Transparency*). Its report, which was tabled on May 12, contains 24 recommendations concerning various issues in relation to access to information and the protection of personal information. The Committee recommends in particular that the Government adopt a policy whereby information is automatically published.

The Committee on Labour and the Economy, on its own initiative, proceeded with special consultations within the framework of the examination of Hydro-Québec's strategic plan 2004-2008, which it had carried out last January following an order given by the Assembly. The Committee thus was able to comply with a request made by four groups having expressed the desire to be heard on this matter, a request that it had not been able to accede to within the framework of the mandate given by the Assembly.

The Committee on Institutions held a deliberative meeting during which it exchanged views with representatives of the Naskapi Nation, whom it had not been able to meet during its mission in Northern Quebec last February in order to discuss this region's development policy and the agreements signed with the Cree and Inuit Nations.

The Committee on Transportation and the Environment examined the report on the implementation of the Act that created the Forum of Stakeholders in the General Freight Trucking Industry (*An Act to amend the Transport Act, 2000*). This mandate gave rise to special consultations during which two groups were heard.

The Committee on Social Affairs heard two public agencies. First, it examined the orientation, activities and management of the Corporation d'hébergement du Québec. Then, in addition to its order of surveillance regarding the Institut national de santé publique du Québec, it carried out two statutory orders of accountability, to examine the financial statements as well as the annual reports for 2001-2002 and 2002-2003 of the agency and to hear its chief executive officer. Furthermore, during a deliberative meeting, the Committee heard the head officers of the Commission d'accès à l'information (CAI) to discuss matters relating to the protection of personal information in the health sector.

On June 11, the Committee on Public Administration tabled its twelfth report on the accountability of deputy ministers and chief executive officers of public bodies. This mandate concerned four matters: the annual report of the Centre de conservation du Québec; mental health services; water monitoring and control; the management of the subsidy programme to support projects in the pulp and paper industry. To carry out this mandate, the Committee heard the director of the Centre de conservation as well as the concerned deputy ministers. In its report, it makes 14 recommendations for the purpose of improving the quality of management and that of the services provided by the entities involved.

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## Orders of the Assembly

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For a three-week period, at the end of April and the beginning of May, the committees examined the estimates of expenditure tabled in the Assembly, as provided for in *Standing Order 282*. At the end of their mandate, they had devoted over 198 hours to the examination and adoption of the estimates of expenditure granted to the ministries and agencies, totalling over 54 billion dollars.

The clause-by-clause consideration of certain bills gave rise to public consultations. The Committee on Planning and the Public Domain thus heard a dozen groups within the framework of special consultations on Bill 54, *An Act to amend various legislative provisions concerning municipal affairs*. The key element of these consultations concerned the provisions relating to the lifting of a moratorium on pig farming. The consideration of the bill had not been concluded at the time of the adjournment of proceedings for the summer holidays.

The Committee on Culture held special consultations during the consideration of Bill 53, *An Act to amend the Act respecting immigration to Quebec*, which introduces various amendments to the Act in order to facilitate the administration thereof, particularly regarding the possibility for the Minister to suspend the reception of requests for certificates of selection in certain circumstances (eight groups heard).

The Committee on Institutions heard the Barreau du Québec within the framework of the clause-by-clause consideration of Bill 50, which establishes how justices of the peace are appointed and changes the duties of public servant judges so as to comply with recent jurisprudence in this matter.

The Committee on Transportation and the Environment held special consultations on Bill 48, which abolishes the Société de la faune et des parcs du Québec and transfers its responsibilities to the Natural Resources, Wildlife and Parks Ministry, as well as on Bill 55. The latter bill provides for the transfer of most of the assets of the Société de l'assurance automobile du Québec to a trust of which the Société becomes trustee. In the first case, four groups were heard. As regards Bill 55, two groups came before the Committee. The end of the parliamentary session interrupted the examination of this bill, after six public hearings.

Moreover, the Committee on Institutions concluded its special consultations undertaken in February concerning the white paper on private security (document entitled *Private security, partner of internal security*). As of June 21 the Committee had heard a total of 27 groups.

Finally, the Committee on Education produced a report containing 30 recommendations that were adopted unanimously following the general consultation conducted during the winter on the issues surrounding the quality, accessibility and financing of Quebec universities.

### Future Business

During the fall, the standing committees will hold several public consultations, including the following:

- The Committee on Social Affairs will hold two general consultations, one concerning Bill 56, *An Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions* (beginning on September 21) and the other regarding Bill 57, *Individual and Family Assistance Act* (beginning on October 5). This latter bill aims to reform the Quebec income security plan.

- The Committee on Planning and the Public Domain will hold a general consultation on Bill 44, which particularly aims to clarify the power of the Minister of the Environment to release information.
- In September, the Committee on Education will hear the head officers of six university institutions. These hearings are part of a triennial accountability exercise during which the Committee hears the head officers of 19 Quebec universities on their financial statements and their development perspectives.
- The Committee on Public Finance will hold a general consultation on Bill 61, *An Act respecting the Agence des partenariats public-privé du Québec*, and another on Bill 195, which amends the *Act to amend the Supplemental Pension Plans Act*.

**Sonia Grenon**

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



## Saskatchewan

The first session of the new Legislature adjourned on June 17th after sitting for 59 days. Sixty government bills were passed along with three private bills. Included among these bills were amendments to *The Financial Administration Act* which will alter the Assembly's procedure for considering interim supply. In the past, a variety of circumstances have resulted in the provincial budget being presented very close to the end of the government's fiscal year of March

31st. This in turn has necessitated the Assembly setting aside its regular business in order to consider and approved an interim supply bill in time to meet the mid-April payroll and expenses deadline. During the 2004 spring session, the Budget Debate had to be interrupted for the first time in the province's history in order to approve interim funding.

The amendments will provide automatic interim funding at the beginning of a new fiscal year based upon one-twelfth of the previous year's estimates. This will enable critical payments to be made on a timely basis at the beginning of a fiscal year prior to the passing of an interim supply bill. The provision will apply only to continuing programs and services. New programs will continue to require interim supply bills.

The Opposition House Leader, **Rod Gantefer**, welcomed the amendments, stating during the debate at Second Reading that they were "a routine adjustment and modification to our current practice, and that the budget scrutiny process still is going to be very comprehensive and detailed ...". The Opposition also endorsed amendments that provided for net budgeting within the General Revenue Fund in certain situations. These changes had long been advocated by the Provincial Auditor who recommended that the Government include the activities of Crown corporations and agencies within summary financial statements and consolidated reporting processes.

### Speaker's Ruling on Quoting of Electronic Mail in Debate

Speaker **Myron Kowalsky** was called upon to rule on the quoting of electronic mail during debate. The Minister of Government Relations, **Len Taylor**, raised a point of order on the matter, stating that electronic

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mail was comparable to telegrams which may not be quoted in the Assembly as there is no way of ensuring the authenticity of the author's signature. He further argued that if it was permissible to quote email, then the Member should be required to indicate who has written the email.

The Speaker opened his statement by reviewing the Assembly's practice on the quoting of private correspondence. Members are at liberty to quote signed and unsigned letters to support an argument and are not required to identify the sender. Members must however take responsibility for what they quote, both in regards to its contents and its accuracy. The only restriction on this practice relates to Members being prohibited with quoting any document that contains language that would be out of order if spoken by the Member directly.

Speaker Kowalsky concluded his statement by ruling that electronic mail would be treated in the same manner as any other document or correspondence that it cited in the Assembly. Email may be quoted without identifying the author but only if the Member takes full responsibility for its content.

#### **Agreement on Legislative Calendar**

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The first step towards a more formal legislative calendar was announced by the Government and Opposition House Leaders, **Harry Van Mulligen** and Mr. Gantfoer, in a joint news conference on May 26th. Fixed fall and spring sessions were central to the agreement. Other elements of the agreement included:

- An end to the current spring session by June 18th;
- A two to three week fall session to address any legislative business not concluded during the spring session;

- A 2005 spring session with an anticipated opening and Throne Speech in early March and continuing for 50-55 sitting days;
- A 2005-2006 session opening in November 2005 with a Throne Speech and focusing on the government's legislative agenda over the three to four week sitting; and
- A continuation of the 2005-2006 session in the spring of 2006, focusing on the budget, consideration of the estimates and concluding the government's legislative agenda.

Both Mr. Van Mulligen and Mr. Gantfoer expressed their willingness in developing a future calendar based upon 65 day sessions divided between fall and spring sittings and concluding sometime in May. It was anticipated that the current agreement would provide a trial framework in which to experience the on-going implementation of the 2004 Rules reforms before determining whether new rules governing sittings of the Legislative Assembly should be formalized.

#### **Committee Business**

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As noted in the previous report, the legislative committees have been kept busy assuming primary responsibility for the committee review of both legislation and estimates. The change in venue has not diminished the length of time devoted to these reviews. The statistics maintained by the Clerk's Office revealed that the consideration of estimates in committee to be of roughly equal periods of time as has occurred in the past in a Committee of the Whole.

**Margaret (Meta) Woods**  
Clerk Assistant



## **Ontario**

A general election was held in Ontario on October 2, 2003, which resulted in a change of government after two consecutive majority terms held by the Progressive Conservative Party. Prior to the election, the Progressive Conservatives held 56 seats, the Liberals 36 seats and the New Democratic Party nine seats with one Independent and one seat vacant. After the election, the Liberal Party held a majority with 72 seats, the Progressive Conservatives 24 seats and the NDP seven seats.

In accordance with the Standing Orders of the Legislative Assembly, seven seats did not accord the NDP Official Party status, which affected their participation in debate and question period in the House, their status in committees and their funding by the Assembly. It even affected their ability to be referred as the New Democratic Party in the House as they were each considered independent members. An agreement was reached in December 2003 regarding their participation in debates and in committees as well as their funding despite their lack of party status.

Due to the unfortunate and untimely death of **Domenic Agostino**, long serving Liberal member for Hamilton East, a by-election was held on May 13, 2004. **Andrea Horwath** for the New Democratic Party was elected. This provided the NDP with sufficient seats to re-



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gain their Official Party status. The current standing in the House is the Liberal party with 71 seats, the Progressive Conservatives with 24 and the NDP with 8 seats.

Following the general election in October 2003, the 38th Parliament was convened on November 19, 2003. The first order of business was the election of the Speaker and **Alvin Curling**, Member for Scarborough-Rouge River was duly elected. Mr. Curling is a member of the Liberal Party and was a former Cabinet member during the Peterson government in the 1980's.

During the campaign the PCs had promised a balanced budget and a continued emphasis on fiscal responsibility and cutting taxes. The Liberals had campaigned on, among other things, increasing program spending without raising taxes. During the campaign, **Dalton McGuinty** had publicly signed a pledge to the Canadian Taxpayers Federation not to raise taxes.

When the Liberals took office, they asked the former Provincial Auditor to examine and to provide an opinion on the status of the finances of the province. The former Auditor reported, in his opinion, an anticipated budget deficit of \$5.6 billion.

The Throne Speech on November 20, 2003 outlined an ambitious agenda to improve health care, education, and the improvement of communities with the proviso that dealing with the projected budget deficit would delay or alter some plans. The Legislature would be asked to take immediate action on the inherited deficit with measures leading to keeping a core commitment of achieving a balanced budget.

One of the priorities of the government was stated to be excellence in education with a number of initiatives to improve literacy, educa-

tion standards, relations between the province and the school boards and teachers and a freeze on post-secondary school tuition fees for two years. Other priorities were outlined to protect and improve universal, public medicare and to start with reform in primary health care, to improve the economy and strengthen communities and to introduce ambitious democratic renewal legislation. A Minister of Democratic Renewal had already been appointed who would introduce legislation to promote transparency and accountability in the public sector.

Legislation that was introduced and received Royal Assent before the winter recess included:

- Bill 2, the *Fiscal Responsibility Act* that provided measures to address the deficit. The corporate tax rate was increased and scheduled tax rate reductions were repealed. The Equity in Education Tax Credit, which provided a tax credit for a portion of fees paid by parents who send a child to private school, was repealed. The Seniors Home Property Tax Relief credit, which provided seniors with a tax credit reflecting the education portion of their home property tax, was repealed. Tobacco taxes were increased. Personal income tax rates were maintained and planned reductions to that rate were cancelled.
- The *Ontario Energy Board Amendment Act (Electricity Pricing)* introduced measures to provide stable and predictable electricity prices to encourage conservation, create environmental benefits and attract new sources of supply. The act removed the current price freeze and instituted interim prices effective April 1, 2004. The first 750 kwh utilized by a consumer would be priced at 4.7 cents/kwh and any subsequent kilowatt hours would be priced at 5.5 cents/kwh.
- The *Automobile Insurance Rate Stabilization Act* imposed a tempo-

rary freeze on automobile insurance rates for private passenger vehicles and prevented further rate approvals by insurers for 90 days. Every insurer would have to reapply for rate approvals and no rate or risk classification changes could be implemented without the Superintendent of Financial Services approval.

- The *Supply Act* to authorize expenditures to March 31, 2004 received Royal Assent on December 18, 2003.

Legislation introduced and passed during the spring session included:

- *Commitment to the Future of Medicare Act* to entrench accountability as a principle of health care along with accessibility, universality, portability, comprehensiveness and public administration and to create a provincial Health Quality Council to monitor and report on health care indicators in the system and to ensure that new hospitals remain publicly owned, controlled and accountable.
- The *Public Sector Salary Disclosure Act* that would make employees of Hydro One and Ontario Power Generation subject to the salary disclosure rules as public servants and to *Freedom of Information and Protection of Privacy* rules.
- The *Greenbelt Protection Act* was a joint announcement by the Minister of Municipal Affairs and the Minister of the Environment to introduce legislation to contain urban sprawl and encourage smart growth by protecting a permanent greenbelt in the Golden Horseshoe area by freezing new zoning for rural and agricultural land.
- The *MPP Salary Freeze Act* froze MPPs salary until April 2005. MPP salary rates are set on the recommendation of the Integrity commissioner who had recommended a raise of 2.7% for the current year. Premier McGuinty asked his fellow MPPs to approve the salary freeze as an example to the public service to

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temper their requests of the public purse.

The first budget of the new government was passed on June 17, 2004. The Minister of Finance promised to eliminate Ontario's structural deficit and balance the budget in fiscal year 2007-08. The budget provided for investments in community based health care, long term care, mental health and home care along with investments in education, public transit and infrastructure. The minimum wage and Ontario Disability Support payments were to be increased by 3% and a free vaccination program for children for inoculations against chicken pox, meningitis and pneumonia was to be implemented.

The budget also announced that optometry exams and chiropractic and physiotherapy services were to be delisted from standard OHIP coverage. However, the measure that generated the most interest was the imposition of a Health Care Premium on Ontarians. This premium is based on income and taxpayers would pay up to \$900 per year dependent on income. This created the most feedback as the Premier had publicly promised not to raise taxes and to do so would be contrary to campaign promises and to the *Taxpayer Protection Act* brought in by the previous government, which prohibited tax increases or the establishment of a new tax unless authorized by a referendum.

On June 1, 2004, the Minister responsible for Democratic Renewal introduced the *Election Statute Law Amendment Act*, which would provide for fixed dates for provincial general elections. The next date for the provincial election would be Thursday, October 4, 2007 (unless a general election has been held sooner because the Lieutenant Governor has dissolved the Legisla-

ture). Thereafter, regular general elections will always be held on the first Thursday in October in the fourth calendar year following the most recent general election.

The House recessed on Thursday, June 24 but was called back on Tuesday, June 29, 2004 for one day to deal with matters relating to authorization for Committee meetings during the summer recess and to give third reading to a number of bills including a bill to amend the *Employment Standards Act* to allow for family medical leave without pay for a period of up to eight weeks for care for family members with a serious medical condition and a significant risk of death.

The House is scheduled to resume on Tuesday October 12, 2004.

#### **Committee Activities**

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During the winter recess the Standing Committee on Finance and Economic Affairs toured the province on pre-budget consultations and produced a report of recommendations. It also dealt with legislation to freeze automobile insurance rates, the *Fiscal Responsibility Act*, the *Budget Measures Act* and the *Emergency Services providers Insurance Protection Act*. The Committee is meeting during the summer recess to conduct a review of the Final Report of the Five Year Review Committee dealing with legislation, regulations and rules relating to matters dealt with under the *Ontario Securities Act*.

The Standing Committee on Justice and Social Policy traveled to conduct public hearings on the *Commitment to the Future of Medicare Act* during the winter recess.

The Standing Committee on General Government traveled around the province to conduct public hearings on a bill dealing with the *Health Information Protection Act*. This bill was reviewed after receiving first

reading in the House, was reported back to the House and the Committee met again after second reading for clause-by-clause consideration. It dealt with legislation on the *Greenbelt Protection Act* and during the summer recess will travel around the province conducting public hearings into amendments to the *Planning Act*.

During the summer recess, the Standing Committee on Social Policy, which is a new committee created along with the Standing Committee on Justice Policy when the House split the former Justice and Social Policy committee into two separate committees, is meeting to hold public hearings and clause-by-clause consideration of Bill 100, which is intended to restructure the electricity generation, delivery and regulatory system in Ontario. It intends to stabilize electricity prices, increase electricity generation and phase out coal-fired generation plants and to deliver reliable, affordable electricity and to encourage conservation by removing the electricity price freeze.

The Standing Committee on Justice Policy is holding public hearings to review the adequacy of Ontario emergency management statutes during the summer. This is in response to concerns raised by the Commissioner of Emergency Management. Its mandate includes adopting the text of a draft bill for introduction for First Reading in the House to deal with matters raised during the hearings.

The Standing Committee on the Legislative Assembly conducted orientation sessions for its members on the multi-faceted Terms of Reference for the committee including the oversight role of the Office of the Ombudsman. It also held hearings and clause-by-clause consideration on the *Adams Lake Mine Act* which prohibits the disposal of waste at the Adams Mine site, an abandoned open pit mine located approxi-

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mately 10 kilometres southeast of the Town of Kirkland Lake. The Bill also amends the *Environmental Protection Act* to prohibit a person from operating a waste disposal site if any part of the site is located in a lake.

**Anne Stokes**  
Committee Clerk