



Legislative Reports



On February 18, 2005, the Premier of Quebec announced an important Cabinet shuffle in which new departments were established (Economic Development, Innovation and Export Trade, Tourism, Government Services – including a sector responsible for Online Government) and other responsibilities were redistributed (Sustainable Development, the Environment and Parks, Education, Recreation and Sports, Families, Seniors and the Status of Women, Canadian Intergovernmental Affairs, Francophones within Canada, the Agreement on Internal Trade, the Reform of Democratic Institutions and Access to Information). On this occasion, five Members were given ministerial duties while three Ministers resumed their responsibilities as Private Members; the Council of Ministers thus was raised from 25 to 27 members. The composition of the Cabinet is available on the Assembly web site at the following address:

<http://www.assnat.qc.ca/eng/Membres/titulaires2.html>

Rulings and Directives from the Chair

On March 8, 2005, the proceedings of the 1st Session of the 37th Legisla-

ture resumed in Quebec. On March 17, the Government broke with tradition by tabling appropriations necessary for the administration of the Government from April 1, 2005 to June 30, 2005 rather than tabling the appropriations for the entire fiscal year.

In his ruling on the Government's right to proceed in this manner, President **Michel Bissonnet** stated that in our parliamentary system, the Government and the Parliament each have a role to play in the budgetary process. Initially, the Government has complete latitude in the preliminary phase of this process. It is therefore up to the Government to determine the amount of the estimates it will submit to the Assembly and when it will do so. Once the estimates have been submitted to the Assembly, the latter's role is to examine them and to decide whether or not it will grant them in an appropriation bill. The role of the Chair is to make sure that the role of the Assembly in budgetary matters is maintained. He also indicated that it is not for the Chair to rule on the document tabled nor to evaluate it.

The tabling of this document gave rise to the convening of an extraordinary sitting, which was held on March 21, 2005. This urgent meeting of the Assembly enabled the consideration and adoption in Committee of the Whole of the said estimates, the introduction and passage of the consequent appropriation bill, and the completion of the consideration and passage of Bill 71, *An Act to amend the Forest Act and other legislative provisions applicable*

to forest management activities, which was required to come into effect before April 1, 2005. This was the second extraordinary sitting of the 37th Legislature.

Parliamentary Simulations

Close to 140 participants hailing from 25 Quebec colleges took part in a Student Forum parliamentary simulation, which was held from January 9-13, 2005 at the Parliament Building. The young participants occupied the seats of the Members of the National Assembly to experience the parliamentarian's work first hand, both as a legislator and as a controller of governmental activity. The Forum parliamentarians prepared a budget statement and statements by ministers, took part in oral question periods and introduced three bills, which, this year, concerned sustainable forest development, the improvement of financial conditions for students and organ donation. The college students examined these bills in committee before giving final passage following a debate in the National Assembly Chamber.

Other than the hundred plus young Members, some fifteen other individuals taking part in the Forum acted as press secretaries and journalists. In keeping with their role, they prepared press conferences and releases and produced a daily newspaper, the *Vox Populi*.

A record number of 134 Secondary 3 and 4 students took part in the third edition of the Young People's Parliament, from February 16-18, 2005, at the Parliament Building.

During their activities at the National Assembly, the apprentice Members experienced important events in parliamentary life: the swearing-in of Members, the debate on the opening speech of the session and oral question period. Three bills were discussed, the themes of which were: the implementation of measures encouraging young people to take part in Quebec politics (adopted); the addition of a homework help day to the regular schedule (negated); and the creation of an obligatory on-the-job training session (adopted).

Interparliamentary Relations

In mid-March, during International Francophonie Week, six Quebec parliamentarians welcomed diplomats from member countries of La Francophonie in their ridings. During these meetings, the Quebec parliamentarians and their guests share knowledge in their respective sectors of activity. The President of the Assembly views these twinings as an opportunity to increase the awareness of Quebec's population with respect to La Francophonie, in addition to enabling the diplomats to better understand the realities of an electoral division in Quebec. The ambassadors and consuls general took part, among other activities, in meetings with representatives from the education, culture and tourism sectors as well as from the business sector in the electoral division of the Quebec Member with whom they had been paired.

Other Activities

On February 14, 2005, the President of the National Assembly began his annual tour of high schools throughout Quebec. The purpose of these visits is to allow students to become better acquainted with the

role of the National Assembly, its history and its achievements, as well as the role of Members and the President. On this occasion, the students of the high schools that were visited had the opportunity to exchange views with Mr. Bissonnet on democracy and parliamentary life in Quebec.

The President's tour constitutes one of the elements of the educational activities programme established by the Assembly. According to the President, the primary purpose is to contribute to heightening the awareness of young people with regard to the importance of taking part in democratic life and to present our Assembly as the forum for debates and expression on the issues that concern their daily lives.

On April 5, 2005, citizens were invited to take part in the third edition of *Political Book Day in Quebec*, whose theme was "Ideas Within Reach" at the Library of the National Assembly. The intention in choosing this year's theme was to make clear the desire for this Day to serve as the privileged forum for discussions and debates by uniting parliamentarians, citizens and authors concerned with political books, an extremely rich literary genre that the National Assembly wishes to make known, while providing its authors with a new venue to share ever-pertinent views that encourage discussion and reflection.

The activities of *Political Book Day in Quebec* began with the launching of the *Répertoire des fonds d'archives de parlementaires québécois*, which is a research tool enabling users to retrace Members' documents that are conserved in various archives services throughout Quebec. Subsequently, two round tables enabled renowned participants to discuss the following themes: "Citizens and the reform of voting procedures"

and "Should the school system be secularized?". Finally, four awards were given, including the *Prix de la Présidence de l'Assemblée nationale*, to reward a work on Quebec politics; the *Prix de la Fondation Jean-Charles-Bonenfant*, awarded to the author of a doctorate dissertation and to that of a master's thesis also concerning Quebec politics; and, finally, the *Prix Ministère des Relations internationales du Québec (MRI) / Ministère des Affaires étrangères de France (MAEF)* granting a scholarship covering the expenses of a week's stay in Paris on the occasion of the 2006 edition of Political Book Day organized by the French National Assembly.

Johanne Lapointe
Secretariat of the Assembly

Standing Committee Activity

The Cabinet shuffle of February 18, 2005 had a significant impact on the standing committees since the membership of all 11 committees was modified. As regards the chairmen and vice-chairmen, **Jacques Chagnon**, the Member for Westmount-Saint-Louis, was elected chairman of the Committee on Education, **Sam Hamad**, the Member for Louis-Hébert, was elected chairman of the Committee on Public Finance, and **Pierre Descoteaux**, the Member for Groulx, was elected vice-chairman of the Committee on Institutions.

Another noteworthy event, the National Assembly established a select parliamentary committee to hold special consultations regarding the choice of a site for the future Université de Montréal hospital centre (CHUM). This is the third select committee to be created in 21 years, that is, since the adoption of the current *Standing Orders* in 1984.

Other than to examine a matter of utmost concern, the establishment of a select committee allows a higher number of Members to take part therein. Indeed, while standing committees consist of between 10 and 12 members, the select committee consisted of 17 members. Chaired by the Member for Chambly, **Diane Legault**, the select committee held public hearings on February 28 and March 1-3, 2005, during which it heard 16 groups and received 29 submissions. It was dissolved on March 8, 2005 following the tabling of its report in the National Assembly.

From January 24-28, 2005, the Committee on Transportation and the Environment sent two of its members on a mission to Paris to take part in the International Conference sponsored by UNESCO and entitled "Biodiversity: Science and Governance." The purpose of the Conference was to assess knowledge and current needs with regard to research and scientific expertise in the field of biodiversity and to examine the public and private approaches to conserving and managing biodiversity.

Orders of Reference from the Assembly

Among the principal orders of reference from the Assembly, it should be noted that the Subcommittee of the National Assembly met on three occasions this winter to examine the two parliamentary reform proposals tabled in June 2004. For this purpose, on March 1, 2005, the Subcommittee heard the *Amicale des anciens parlementaires du Québec* on both reform proposals and then entered upon the examination of the first theme entitled "Citizens' participation in parliamentary life / Bringing the Assembly and the citizens together". It again met on

March 3 and 16 to examine respectively the following themes: "Valuing the role of Members / Fostering the autonomy and initiative of Members" and "Modernization of the organization and proceedings of the National Assembly / Increasing the efficiency of the work of Members". Other sittings are scheduled for spring 2005. The members' objective is to reach a final proposal before the adjournment of proceedings for the summer holidays.

The Committee on Labour and the Economy held a general consultation on the document entitled *The Energy Sector in Quebec – Context, Issues and Questions*. From January 25 to mid-April 2005, the Committee heard 139 groups in public hearings, which groups were chosen from among the 163 submissions received. This is the most extensive general consultation that has been held since the beginning of the current Legislature.

The Committee on Social Affairs also held a broad general consultation on Bill 83, *An Act to amend the Act respecting health services and social services and other legislative provisions*. From February 28 to April 6, 2005, 78 groups were heard during 23 sittings, and a total of 98 submissions were received. The Committee on Planning and the Public Domain held public hearings within the framework of special consultations on Bill 62, *Municipal Powers Act*. The main purpose of this bill is to adapt and modernize the legislative provisions governing municipalities, certain of which date back over 100 years.

Furthermore, in the coming weeks, the standing committees should proceed with the annual consideration of the estimates of expenditure 2005-2006 for a period not to exceed 200 hours.

Orders of Initiative

As regards the principal mandates undertaken at the initiative of the committees, the Committee on Transportation and the Environment examined the orientation, activities and management of the Agence métropolitaine de transport on March 23, 2005. The problems related to the development of the commuter rail system in the metropolitan region attracted much interest among parliamentarians from the Montreal region.

For its part, the Committee on Culture held a deliberative meeting to hear **Luc Noppen**, Canada Research Chair on Urban Heritage at the Université du Québec à Montréal, as a preliminary step in its order of initiative on the issues surrounding Quebec's religious heritage.

In compliance with certain provisions of the *Act respecting educational institutions at the university level*, from February 1-9, 2005, the Committee on Education heard the heads of thirteen Quebec universities. The Committee on Public Administration heard the Deputy Minister of Justice, the Deputy Minister of Employment, Social Solidarity and Family Welfare as well as the Secretary of the Treasury Board during the months of February and March 2005, pursuant to the *Public Administration Act*. The Committee's recommendations with regard to these accountability mandates will be made public next June.

Marc Painchaud

Secretariat of Committees

Translation: **Sylvia Ford**

Secretariat of the Assembly



Senate

While Senate committees continued to work on special studies, business in the Chamber was quiet during the early months of 2005. The regular flow of legislation from the House of Commons to the Senate was slowed by the dynamics of the minority government and by political issues that occupied the time and attention of the government. As a result, only legislation of a non-controversial and routine nature reached the Senate.

Royal Assent

It has become easier to have Royal Assent more often since the passage of a bill in June 2002 which provided for written declaration as an alternative to the formal ceremony in the Senate Chamber with Members of the Commons at the Bar. Royal Assent by written declaration takes less time to arrange, does not interrupt parliamentary business and eases the ceremonial burden placed on the Governor General and the justices of the Supreme Court who act as her deputies. During the spring of 2005 a total of 16 bills received Royal Assent by written declaration on five different occasions:

- C-14, *the Tlicho Land Claims and Self-Government Act* on February 15;
- C-7, *An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts* on February 24;

- C-4, *International Interests in Mobile Equipment (aircraft equipment) Act* on February 24;
- C-302, *An Act to change the name of the electoral district of Kitchener-Wilmot-Wellesley-Woolwich* on February 24;
- C-304, *An Act to change the name of the electoral district of Battle River* on February 24;
- C-36, *An Act to change the boundaries of the Acadie-Bathurst and Miramichi electoral districts* on February 24;
- C-24, *An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)* on March 10;
- S-17, *Tax Conventions Implementation Act, 2004* on March 23;
- C-20, *First Nations Fiscal and Statistical Management Act* on March 23;
- C-6, *Department of Public Safety and Emergency Preparedness Act* on March 23;
- C-39, *An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment* on March 23;
- C-41, *Appropriation Act No. 4, 2004-2005* on March 23;
- C-42, *Appropriation Act No. 1, 2005-2006* on March 23;
- C-18, *An Act to amend the Telefilm Canada Act and another Act* on March 23;
- C-8, *An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act* on April 21; and
- C-30, *An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts* on April 21.

Committees

A progress report on the work undertaken by the Official Languages Committee during the fall of 2004 was tabled in the Senate on February 23. The committee was given the mandate to study the 2004 *Annual Report of the Commissioner of Official Languages* and the operation of the *Official Languages Act*.

Speaker's Rulings

On February 15 Senator **John Lynch-Staunton** raised a point of order to object to proceedings that had occurred with respect to Bill C-14 which provides for a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada. The bill was adopted with leave immediately following the presentation of the committee report. Senator Lynch-Staunton disagreed with the accelerated consideration and even more with the fact that it had happened during Routine Proceedings. His real objection, however, was that asking for leave in this kind of situation was contrary to good practice. In his ruling on February 23, Speaker **Dan Hays** admitted the events of February 15 were out of the ordinary, but ruled that once the Senate had given leave he was powerless to prevent it from happening.

Senator **Anne Cools** rose on a point of order on February 23 to claim that Bill C-6 which establishes the Department of Public Safety and Emergency Preparedness required Royal Consent because it affected the prerogative powers of the Crown. At issue was the bill's attempt to abolish the position of the Solicitor General who, in the opinion of Senator Cools, was an officer of the Crown. It was her contention that such a position could not be al-

tered in legislation without Royal Consent. The Speaker found no evidence to support her argument. In his ruling he declared Bill C-6 did not impinge on the prerogatives or interests of the Crown and for that reason there was no need for Royal Consent.

Motions

The Senate adopted a motion on February 17 condemning the act of terrorism that killed former Lebanese Prime Minister **Rafik Hariri** and calling on the Government of Canada to continue to pursue justice and independence for the people of Lebanon.

A motion to approve the appointment of **Jean T. Fournier** as Senate Ethics Officer was considered by the Senate in Committee of the Whole on February 24. Although some Senators expressed concern that the appearance of Mr. Fournier was premature since the Senate had not yet adopted a code of conduct, they nevertheless supported his nomination and approved his appointment for a term of seven years.

Milestones

Tributes were paid to the memory of two former Senators, **Royce Frith** and **Irvine Barrow**. Mr. Frith, served as Deputy Leader of the Government, Deputy Leader of the Opposition and Leader of the Opposition during the years 1980 to 1993, died on March 17. Mr. Barrow, whose death at 92 years of age also occurred on March 17, was remembered for his leadership as chairman of the Banking, Trade and Commerce Committee and the National Finance Committee.

Retired General **Roméo Dallaire**, who headed the United Nations peacekeeping mission in Rwanda and former defence minister **Art Eggleton**, were appointed to the Senate. They were sworn in on

April 12 along with other new Senators **Elaine McCoy**, **Grant Mitchell** and **Claudette Tardif** from Alberta, **Robert Peterson** and **Lillian Dyck** from Saskatchewan, **Nancy Ruth** from Ontario and **Jim Cowan** from Nova Scotia. At present, there are 98 Senators, including 37 women.

Mary Mussell
Journals Branch



Alberta

On March 1, 2005, the Members of the Legislative Assembly of Alberta met to elect presiding officers for the 26th Legislature. **Ken Kowalski** was acclaimed for the second time as Speaker of the Alberta Legislative Assembly in what is his third term as Speaker. Mr. Kowalski has been a Member of the Assembly for 26 years, having first been elected for what is now the constituency of Barrhead-Morinville-Westlock in a 1979 by-election. **Richard Marz**, (P.C. Olds-Didsbury-Three Hills) was elected Deputy Speaker and Chairman of Committees. Mr. Marz was first elected to the Alberta Legislature in 1997. **Shiraz Shariff**, (P.C. Calgary-McCall) was re-elected Deputy Chair of Committees. Mr. Shariff, who has held this position since 2001, was first elected in a 1995 by-election. Alberta elects its presiding officers by secret ballot.

On March 2, 2005, Lieutenant Governor **Norman L. Kwong** delivered the Speech from the Throne. The Speech highlighted visions for Alberta's future in its centennial

year. The Speech, entitled "The Next Alberta" outlined the government's initiatives in areas such as health, education and the economy. The Speech also detailed projects and programs established to commemorate Alberta's centennial and paid tribute to the Late, Dr. **Lois E. Hole**, former Lieutenant Governor of Alberta. Other highlights include:

- the establishment of a \$3-billion endowment fund from surplus revenues to pay for apprenticeship certification and training programs, scholarship and fellowship programs, a digital library and other initiatives within the post-secondary learning system;
- the commitment on behalf of the government to develop a "Third Way" for health care;
- increased funding for AISH (Assured Income for the Severely Handicapped) clients;
- an increase in Alberta's minimum wage to \$7 per hour;
- the development of a provincial water conservation plan; and
- enhanced civilian oversight of police services.

As House Leaders were unable to agree on the rotation of questions during Oral Question Period, Speaker Kowalski ruled in a March 8th statement that a similar rotation from the previous Legislature would apply for three out of four days. (Under the new rotation, the Official Opposition would be entitled to two more questions and the New Democrat Opposition one after the 14th and subsequent questions). On the fourth day, the rotation would be altered to provide the Alberta Alliance Member with the fifth question. Speaker Kowalski also noted that the practice of permitting a main question, preceded by a short preamble, fol-

lowed by two supplementary questions, without a preamble, would continue for the duration of the 26th Legislature.

The House Leaders of all three parties reached an agreement concerning changes to the *Standing Orders* of the Legislative Assembly. The amendments concerned Members' Statements (6 every day for 2 minutes) and Private Members' Motions (a new one each Monday evening). These changes came into effect on April 11, 2005.

At the time of writing, 19 Government Bills and 2 Private Members' Public Bills had been passed by the Assembly.

Government Bills

Some Bills before the Assembly include:

- Bill 1, *Access to the Future Act*, would establish the following investments in post-secondary education: a \$3-billion Access to the Future endowment to support and foster innovation and initiatives in education; a \$1-billion expansion to the Alberta Heritage Scholarship Fund; and a \$500-million expansion to the Alberta Heritage Science and Engineering Research Fund. Bill 1 also lays the foundation for a common post-secondary and scholarship application process and a simpler process for obtaining student financial assistance. The Bill received criticism from Opposition Members who argued that it does not address the problem of increased student debt inadequacies within the student loan system.
- Bill 15, *Workers' Compensation Amendment Act, 2005*, would grant the same immunities from legal action currently extended to employees of the WCB to the board of directors of the WCB. The Bill would allow the WCB to regulate fees charged by private lawyers working on third-party civil actions. In addition, it would allow private lawyers to pay the costs of living increases to work-

ers who are on extended temporary partial disability benefits. Opposition Members have expressed their opposition to the Bill and claim the amendments are extreme. A reasoned amendment was moved during Second reading of the Bill and subsequently defeated.

- Bill 29, *Assured Income for the Severely Handicapped Amendment Act, 2005*, would amend the current Act by expanding the definition of benefits available to AISH recipients to include supplementary payments for emergent or personal costs outside the current financial and health benefit package.
- Bill 39, *Traffic Safety Amendment Act, 2005*, would notably make changes regarding the seizure of vehicles involved in prostitution-related offences.

Private Members' Public Bills

Two Private Members' Public Bills passed by the Assembly include:

Bill 201, *Smoke-free Places Act*, sponsored by **Dave Rodney** (PC, Calgary-Lougheed), sets province-wide standards concerning smoke-free areas by creating smoke-free environments in enclosed public and work places. During Committee of the Whole consideration, the Bill was amended so that only public places and workplaces that permit minors would be smoke free. The Bill was also amended to include a provision whereby if a conflict was to arise between a provision of the Bill or a provision of a municipal bylaw, the more restrictive one would prevail.

A recommittal motion was moved by **Hugh MacDonald** (Liberal, Edmonton-Gold Bar) during third reading to refer the Bill back to Committee of the Whole to reconsider a particular section of the Bill in order to extend the smoking ban to all public buildings. The Opposition disagreed with the scope of the amendments to the Bill at Commit-

tee stage and introduced the recommittal motion so that the Committee of the Whole could reconsider the amendments. The member of the Opposition who supported the recommittal motion noted that this was the position taken at a recent Progressive Conservative convention. The amendment was subsequently defeated. The Bill comes into force on Proclamation.

Bill 202, *Protection of Children Abusing Drugs Act*, sponsored by **Mary Anne Jablonski** (PC, Red Deer-North), provides provincial authorities and parents with the power to place children under the age of 18 into 90-day mandatory drug treatment programs. On April 14, the sponsor of the Bill requested and received the unanimous consent of the Assembly to waive *Standing Orders* to allow for consideration of the Bill in place of Government Business. During Committee of the Whole consideration, substantial amendments were introduced and passed. The most notable amendment removed the 90-day treatment order due to concerns raised regarding the *Canadian Charter of Rights and Freedoms*. The Bill comes into force on July 6, 2006.

Private Bills

One Private Bill which received significant public attention last year was Bill Pr5, *Brooklyn Hannah George Rewega Right of Civil Action Act*. The Bill would have allowed a child to commence an action against the mother for injuries sustained in a traffic accident that occurred prior to birth. The daughter, who was three years old at the time the petition was submitted, is alleged to have suffered brain damage and blindness as a result of a single vehicle accident which occurred when her mother was pregnant. The Bill

would have allowed the father, on behalf of the child, to bring a civil action against the mother for damages arising from the accident. Such an action is prohibited by the common law. The Bill died on the *Order Paper* upon the calling of the provincial election in 2004.

A virtually identical Private Bill was introduced this session. The Department of Justice expressed concerns with the Bill, in particular the issue of maternal liability and the precedents which would be set with by the legislation. Concerns were also expressed that the matter had not yet been fully litigated which would encourage others to seek redress through private bills rather than the judicial system. At the time of writing, the Committee decided to defer its deliberations on the matter until the Fall Sitting.

Budget 2005

On April 13, 2005, **Shirley McClellan**, Minister of Finance, presented the Budget and the estimates for the 2005-06 fiscal year. Revenue for the 2005-06 fiscal year is estimated to be just over \$27 billion and total resource revenue is expected to be \$7.68 billion. The Minister projected total expenditures of \$25.83 billion in 2005-06. Surplus revenue is estimated to be \$1.52 billion. The Budget increases the base budget for the Department of Health and Wellness to \$9.5 billion which accounts for 37 per cent of the budget. Funding for Advanced Education (which oversees post-secondary education programs) will increase by 13.4% to \$1.7 billion while program support for education will increase by 7 per cent for a total of \$4.3 billion. Funding for infrastructure programs will be increased to \$9.2 billion and municipalities across Alberta will receive a total of \$3.1 billion over the next three years.

Other elements of Budget 2005 include:

- the Heritage Savings Trust Fund is to be inflation-proofed by adding \$667 million over the next three years;
- 200 police officers will be added in 2005-06;
- a projected economic growth rate of 3.7 per cent;
- the assumption that prices will be \$42.00 US a barrel for oil and \$5.60 Cdn per thousand cubic feet for natural gas.

Select Special Committee

On March 8, 2005, the Legislative Assembly approved a motion to appoint a Select Special Committee to review the *Conflicts of Interest Act* as required by that Act. The all-party committee must submit its report, including any proposed amendments to the Act, within one year of commencing its review. **Neil Brown** (PC, Calgary-Nose Hill) will chair the committee.

Other Events

On April 6, 2005, the Legislative Assembly approved a motion to allow for a special sitting on Tuesday, May 24, 2005, so that Her Majesty, **Queen Elizabeth II** may address the Assembly.

Speaker Kowalski hosted a ceremony recognizing the Muslim Festival of Eid-ul-Adha in the Rotunda of the Alberta Legislature Building on February 7, 2005. Eid-ul-Adha means the "Festival of Sacrifice" and is one of two festivals celebrated by all Muslims worldwide.

On March 15, 2005, Speaker Kowalski hosted a ceremony in the Legislature Building Rotunda recognizing Alberta's francophone community. Les Rendez-vous de la Francophonie is a celebration of the province's French culture and history. Joining Speaker Kowalski

during the recognition ceremony were **Ralph Klein**, Premier of Alberta; **Harry Chase**, MLA, Calgary-Varsity, representing the Official Opposition; **Brian Mason**, MLA, Leader of the New Democrat Opposition; **Gene Johnson**, President, Canadian Francophone Association of Alberta; and **Denis Ducharme**, MLA, Bonnyville-Cold Lake, Chair, Francophone Secretariat.

A ceremony was held on April 25, 2005 in the Legislature Rotunda to unveil the portrait of the former Lieutenant Governor of Alberta, Dr. **Lois E. Hole**.

Micheline Orydzuk
Clerk of Journals/Table Research



House of Commons

Since the House resumed on January 31, 2005 the government has been under continual attack from the opposition as the testimony of witnesses before the Commission of Inquiry into the Sponsorship Program and Advertising Activities ("Gomery Commission") continued to fuel allegations against the Liberal party and government.

Budget

The first budget of this 38th Parliament, presented by Finance Minister **Ralph Goodale** on February 23, 2005, contained measures corresponding, in some measure, to the concerns of each of the opposition parties; this met with some success,

as the Leader of the Opposition publicly opined that there was "nothing in it" sufficient to justify the defeat of the government. The other two opposition parties were more critical of measures they considered to be inadequate to Canada's commitments under the Kyoto Protocol.

This was the Liberals' eighth straight balanced budget and it included a promise of \$12.8 billion of government expenditure on the military during the next five years, as well as \$5 billion over the next five years for national day care. The government committed itself to sharing gas tax revenues with municipalities at the rate of 1.5 cents per litre, or \$600 million in 2005, rising to 5 cents a litre or \$2 billion annually by 2009-2010. A modest measure of tax relief was also offered in the form of a slight increase in the personal exemption applicable to taxable income. As of the end of April, the budget implementation bill (C-43) was still before the House.

Committees

The minority Parliament has seen an unprecedented, and continually increasing, volume of committee activity since February of this year; committees have met more frequently, travelled more, and, in some cases, been the conduit for challenges to the Government in the form of motions for concurrence in committee reports recommending the resignation of the government.

The ongoing parliamentary inquiry of the Standing Committee on Public Accounts, conducted pursuant to the Committee's mandate under Standing Order 108(3)(g) – a study of Chapters 3 (The Sponsorship Program), 4 (Advertising Activities) and 5 (Management of Public Opinion Research) of the *November 2003 Report of the Auditor*

General of Canada), continued to gain momentum when the Committee resumed meeting in February.

The Committee's ninth report (its second on this study), presented in the House on April 7, 2005, contained 29 specific recommendations, among them, "That the government provide the Committee with an action plan that includes target implementation and completion dates for the components of the Auditor General's recommendation." A government response was requested, pursuant to the provisions of Standing Order 109.

On April 11, 2005, the committee agreed to a motion "That, in relation to its study of Chapter 5 of the November 2003 Report of the Auditor General of Canada, **Terrie O'Leary**, **Warren Kinsella**, **David Herle** and **Peter Daniel** be summoned to appear before the Committee on Monday, April 18, 2005". The testimony of these witnesses contributed significantly to the growing storm of controversy in connection with allegations of corruption in relation to the sponsorship program.

When the House adjourned at the end of April, the Committee was awaiting a ruling from its Chair on the admissibility of a motion calling for the resignation of the government.

Also noteworthy, is a study by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness on the process whereby judges are appointed to the Supreme Court of Canada. In its seventh report, presented in the House on April 21, 2005, the committee expressed its "great disappointment" with regard to the reform proposed by the government and recommended that it "reconsider its position and come back to the Committee before the end of June with a new and more ambitious reform proposal, includ-

ing a more important role for parliamentarians and the provinces."

Privilege and Procedure

On April 1, 2005, Procedural Services of the House of Commons, pursuant to a recommendation of the Standing Committee on Procedure and House Affairs, launched a system for the electronic submission of notices involving an e-notices website.

On February 18, 2005, the House adopted a motion approving numerous changes to the *Standing Orders* to come into effect on March 7, 2005. These changes, which are intended to streamline existing procedures, are to remain in effect for the duration of the current parliament and during the first sixty sitting days of the succeeding parliament. Highlights of these changes include simplification of the rules governing lengths of speeches and splitting of time during debates, new rules governing debates on concurrence in Committee reports, an increase in the number of Supply Days for the supply period ending June 23, 2005, and specification that every opposition motion now be votable unless its sponsor decides otherwise.

On Wednesday, February 23, 2005, the Standing Committee on Procedure and House Affairs presented its 28th Report on a Question of privilege raised by **Michel Guimond** (Montmorency - Charlevoix - Haute-Côte-Nord) on November 22, 2004. The question of privilege concerned the usurpation of the title of "Member of Parliament" by **Serge Marcil** who had represented the riding of Beauharnois - Salaberry in the 37th Parliament. On Tuesday, November 23, 2004, the Speaker ruled that an advertisement placed in Mr. Marcil's name constituted a *prima*

facie breach of privilege and the matter was referred to the Standing Committee on Procedure and House Affairs. The Committee's report concluded that the advertisement was published in error, and that there was no intention on the part of any of the parties to misrepresent Mr. Marcil as the Member for Beauharnois - Salaberry. A motion to concur in the report was moved and agreed to.

Legislation

Of the 46 bills on the *Order Paper* for the first session of the 38th Parliament, 16 have received Royal Assent, and six have been passed by the House and are currently under consideration by the Senate.

On February 1, 2005 the Government introduced Bill C-38, *An Act respecting certain aspects of legal capacity for marriage for civil purposes* (also known as the "same-sex marriage bill"), on which Liberal Members not in the cabinet were to be free to vote as they saw fit.

Other Bills introduced in the House since January 31, 2005 include:

- C-40, *An Act to amend the Canada Grain Act and the Canada Transportation Act*;
- C-41, *An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (Appropriation Act No. 4, 2004-2005)*;
- C-42, *An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 (Appropriation Act No. 1, 2005-2006)*;
- C-43, *An Act to implement certain provisions of the budget tabled in Parliament on February 23, 2005*;
- C-44, *An Act to amend the Canada Transportation Act and the Railway Safety Act, to enact the VIA Rail*

Canada Act and to make consequential amendments to other Acts;

- C-45, *An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts*; and
- C-46, *An Act to amend the Corrections and Conditional Release Act and the Criminal Code*.

Two bills were negatived on division in the House on February 14, 2005:

- Bill C-31, *An Act to establish the Department of International Trade and to make related amendments to certain Acts*; and
- Bill C-32, *An Act to amend the Department of Foreign Affairs and International Trade Act and to make consequential amendments to other Acts*.

This is the first time that government bills have been defeated since 1968.

Other Events

A take-note debate was held in early February on the adoption of a report by the Standing Committee on Finance on the balancing of budget priorities. An emergency debate on the Canadian livestock industry took place in March.

On the morning of February 3, 2005, the Speaker drew the Members' attention to the use of the wooden mace that is used once annually on the anniversary of the 1916 fire that destroyed the Centre Block on Parliament Hill.

On the morning of Monday, March 7, 2005, representatives of all parties in the House made short statements with respect to the tragic deaths of four R.C.M.P. Officers in Mayerthorpe, Alberta, on March 3, 2005. After drawing the attention of Members in the House to the presence in the gallery of the Commis-

sioner of the Royal Canadian Mounted Police, **Giuliano Zaccardelli**, the Speaker invited all of the Members to rise for a minute of silence.

Gary Sokolyk
Procedural Clerk
Table Research Branch
House Proceedings



Manitoba

The Third Session of the Thirty-Eighth Legislature resumed on March 7, 2005. The Minister of Finance **Greg Selinger** (NDP - St. Boniface) delivered his fifth budget address on March 8. The total operating expenditure for the 2005-2006 Budget came in at \$8.1 billion, an increase of 6.6% from 2004-2005. In his budget speech Mr. Selinger described the "four key pillars" on which he based the 2005 budget.

1. Paying down debt

- debt payment increased to \$110 million from \$96 million
- no draw from the Fiscal Stabilization Fund (rainy day fund)

2. Making strategic investments

- significant increases for health and education
- eight per cent funding increase for City of Winnipeg
- 10 per cent tuition reduction continues for fifth straight year
- 40 additional police officers across Manitoba

3. Cutting taxes

- six-year tax reductions total \$500 million
- personal income taxes cut by another \$30 million
- business taxes reduced by \$54 million

4. Saving for the future

- \$314 million deposit into the Fiscal Stabilization Fund
- budget is balanced under balanced budget law
- \$196-million projected surplus under the summary budget

During the second of eight days of debate on the budget Official Opposition Leader **Stuart Murray** (PC - Kirkfield Park) moved a motion of non-confidence as an amendment to the budget motion. The motion identified a range of areas where the opposition felt the government had failed to act in the best interests of the province, including:

- failing to provide a long-term economic and tax reduction strategies;
- failing to provide adequate funding for post-secondary institutions;
- failing to provide relief for Manitoba's livestock producers and failing to provide for sufficient slaughter capacity;
- failing to provide a long-term plan for the reduction of health care waiting lists;
- failing to provide an opportunity for publicly funded health care services in privately managed clinics;
- failing to deal with record numbers of auto thefts and record numbers of murders; and
- failing to provide a plan or strategy for dealing with gangs in Manitoba.

On the fifth day of the budget debate **Jon Gerrard** (Independent Liberal - River Heights) officially registered his disapproval of the budget through a sub-amendment to Mr. Murray's non-confidence motion. Mr. Gerrard's motion mentioned several other problems with the government's record, including the failure to provide an effective plan to improve health and prevent sickness, failing to provide an effective strategy to deal with child poverty, failing to provide Manitobans with the legal right to timely, quality health care, and failing to do any better than the previous Tory government in improving the dental health of Manitoba children.

Neither the non-confidence motion nor the sub-amendment passed on the eighth and last day of budget debate - March 17, 2005. On the same day, the main budget motion passed on a recorded vote of yeas 34, nays 20.

Legislation

While fifty Government and Private Bills had been introduced by the end of April for consideration during this session, only a few had completed their trip through the legislative labyrinth by that time.

One piece of legislation that did finish the journey by then was Bill 10 - *The Pension Benefits Amendment Act*. After detailed consideration in the House and Committee, and unanimous passage of the Concurrence and Third reading motion, this Bill received Royal Assent on April 19. The Bill made extensive amendments to *The Pension Benefits Act*, incorporating consensus recommendations of the Pension Commission of Manitoba and provisions based on consultations with Manitoba citizens. The provisions relate to such areas as minimum standards, ancillary benefits, phased retirement, surplus and unlocking of

balances held in locked-in retirement benefit plans.

During her second reading speech on December 8, 2004, Minister of Labour **Nancy Allan** (NDP - St. Vital) indicated that the Bill "represents the most extensive amendments to the act in 20 years." She also noted that the amendments to the Act "generally can be described in terms of four key areas: providing flexibility, clarifying requirements for the management of pension plans, clarification of the treatment of pensions as family assets and pension preservation."

While a number of concerns emerged regarding the handling of this Bill (some of which will be covered later in this report) opposition members were generally supportive of the legislation. **Ron Schuler** (PC - Springfield), the lead critic for the official opposition, had introduced a private member's Bill on the same topic during the previous Session (Bill 212 - *The Pension Freedom Act, Pension Benefits Act Amended*) and Bill 10 partially realized the intentions of that Bill.

Matters of Privilege

As mentioned above, Bill 10 - *The Pension Benefits Amendment Act* was the object of much debate this session. In addition to the usual debates, two matters of privilege were raised regarding the handling of the Bill.

On December 6, 2004 **Ron Schuler** raised the first matter regarding the holding of an embargoed press conference that morning by the government on Bill 10. Mr. Schuler contended that the media had received a full briefing on the bill, even though the bill had yet to be introduced into the House, and that he as the critic had been contacted by the media for comments on the bill but could not comment as he had not been present at the brief-

ing, nor had he even been aware that the briefing had taken place. Referencing a number of Manitoba precedents (as well as House of Commons Rulings and several procedural authorities) on March 21 the Speaker found no *prima facie* case of privilege.

Along with his ruling, however, the Speaker “strongly urged the government to reflect on the information that I have presented to the House in this ruling, and to not take the finding of no *prima facie* case of privilege as an endorsement that this type of activity is acceptable.” He added that “should a similar situation occur in the future, I, as Speaker, would look at all of the evidence presented most carefully. In addition, the subject of the holding of press conferences of this type is one that could also be considered by the Standing Committee on the Rules of the House, given that the technology of communication has changed significantly over the past 20 years.”

The House heard a second matter of privilege related to Bill 10 on April 12, 2005, when Mr. Derkach stood in his place and spoke regarding comments he attributed to Premier **Gary Doer** (NDP - Concordia) on a local radio show that morning. Mr. Derkach asserted that the First Minister had said on the radio program that the opposition members in the House were holding up passage of Bill 10 (at that point the Bill was listed under Debate on Second Readings after having been introduced in the House on December 6, 2004 and having had second reading moved on December 8, 2004). He concluded his remarks by moving “THAT this House in today's sitting deal with Bill 10 and that the First Minister, the Premier, apologize to all Manitobans for his statements which did not parallel the truth.” Supported by references

from *Beauchesne* and *Marleau and Montpetit* (as well as numerous Manitoba Speakers' rulings), on April 20 the Speaker ruled that he had no authority to rule on statements made outside of the House, and therefore could find no *prima facie* case of privilege in this matter.

During Oral Questions on March 10, 2005, the House heard a matter of privilege on a different topic when **John Loewen** (PC - Fort Whyte) rose concerning comments made by **Tim Sale** (NDP - Fort Rouge - Minister of Health), in a newspaper article dated December 26, 2004, in which the honourable Minister of Health was quoted as stating that “the Health budget had been purposely underfunded.” Mr. Loewen asserted that his rights and privileges as a member had been breached, that obstruction and interference had occurred and that an improper reflection on the House as a whole had occurred. He concluded his comments by moving a motion that the matter be referred to Committee and that the Minister be requested to apologize.

In addition to Manitoba precedents and other authorities, when the Speaker ruled on March 23 that he could find no *prima facie* case of privilege he also referenced portions of the 50th Report of the House of Commons Standing Committee on Procedure and House Affairs from 2002 (dealing with an examination into allegations that the former Minister of Defence had misled the House). The Speaker concluded his ruling with an excerpt from *Parliamentary Practice in New Zealand*; “It must be established that the Member making the statement knew at the time that the statement was made that it was incorrect, and that in making it, the Member intended to mislead the House.”

Private Member's Resolutions

In a notable display of harmony, the House recently passed two Private Member's Resolutions with unanimous support.

On April 21, **Len Derkach** (PC - Russell) moved a resolution, seconded by **Doug Martindale** (NDP - Burrows) regarding Democracy in Ukraine. The significant choice of the seconder reflected the fact that both Mr. Derkach and Mr. Martindale had travelled to Ukraine to participate as election observers during the December 26, 2004 vote. The resolution called on the Assembly to congratulate “the citizens of Ukraine for their determination and resolve to establish a free and fair election process in that country”; and also to “congratulate the new President and the new Prime Minister of Ukraine for their commitment to establish a democratic government within Ukraine.” The ensuing debate elicited great interest from Members on all sides of the House. Mr. Derkach and Mr. Martindale both reflected on their experiences during the election, while several members noted the values and virtues of democracy, observing that it should never be taken for granted.

With a number of World War II veterans in the Gallery, on April 28, 2005 **Bonnie Korzeniowski** (NDP - St. James) moved a resolution celebrating the 60th Anniversary of VE-Day. While noting the immense toll of the “greatest and most destructive war in history”, this resolution called upon the Assembly to express “our deepest sympathies and thanks for the sacrifices of those Canadians who joined the forces and those that supported the war effort on the home base.” The resolution also called on “all generations and governments to be involved in the ongoing struggle for world peace and social justice.” So many

members wished to speak to the resolution that the House agreed to sit beyond its usual hour of recess to allow them time to share their thoughts. **Glen Cummings** (PC - Ste. Rose) aptly concluded the debate, encapsulating the feelings of gratitude for the veterans with the observation that "I come from a generation that has been absolutely privileged because of what they did." Moments later the House unanimously passed the resolution.

Barring an emergency, according to the rules the House will sit until Thursday, June 9, 2005 before rising for the summer break.

Rick Yarish
Clerk Assistant /
Clerk of Committees



Saskatchewan

The Spring session of the Assembly opened on March 14th. The session was a resumption of the 1st session that began in 2004 and continued during a short Fall sitting. The 2005 sitting began with statements of condolence in remembrance of the four RCMP officers who were killed in the line of duty in Mayerthorpe, Alberta. The Assembly held a number of debates and ceremonies during the session marking significant events. These included:

- An emergency debate calling on the federal government to respect the principle of equity in the treatment of provincial energy revenues and immediately begin negotiations on a Saskatchewan Energy Accord that guarantees

100% protection from Equalization claw backs on energy revenues and on reforming the determination of entitlements and fiscal disparities under the national Equalization program. The motion was adopted.

- The Assembly hosted a ceremony in the Chamber awarding the Saskatchewan Volunteer Medal to twelve exceptional individuals.
- On May 2nd, Saskatchewan Olympians and Paralympians were recognized by the Assembly.

Two Private Members achieved the distinction of piloting bills through the Assembly. **Greg Brkich** (Arm River - Watrous) introduced *The Recognition of John George Diefenbaker Day Act* that declared the September 18th anniversary of the birth of the first Prime Minister to hail from Saskatchewan as "John George Diefenbaker Day" in recognition his contributions to Canada. *The Tommy Douglas Day Act* was sponsored by **Warren McCall** (Regina Elphinstone - Centre). This Act similarly chose the anniversary of Mr. Douglas' birth of October 20th as the day on which to remember his work and contributions to the province.

Budget

On March 23rd, Finance Minister **Harry Van Mulligen** delivered the NDP government's twelfth consecutive balanced budget. The central theme of the Centennial budget was "Building for the next 100 years" by investing in priorities. These included record funding for health and education, enhanced social programs, measures to build the economy and an increased capital budget to build for future generations.

Ken Cheveldayoff (Saskatoon Silver Springs), the Opposition Finance critic, challenged the budget,

claiming that it lacked vision. Noting that government revenues had increased over the previous year, the Opposition proposed an amendment to the Budget motion listing a number of alternatives areas in which investments could have been made.

At the conclusion of the debate, the amendment was defeated and the original motion adopted. Following the precedent set last year, the bulk of the estimates were then referred to the policy field committees for consideration. The remaining estimates, including those for the Departments of Agriculture and Food, Executive Council, Government Relations, Health and Learning, were retained in the Committee of Finance (a Committee of the Whole).

Privilege Motion

Access to technical briefings was a contentious issue during the Spring session. The first instance occurred on March 22nd when the Opposition wrote to the Speaker concerned that they would be denied access to a technical briefing on the budget. The government's position was that the briefing was intended only for the media. The matter was later resolved outside of the Chamber when the government agreed to provide a separate briefing for the Opposition.

Subsequently on April 11th, **Rod Gantfoer** (Melfort), the Opposition House Leader, raised a question of privilege concerning the denial of access of Members or their staff from a technical briefing on the 2004 annual report of the Saskatchewan Water Corporation. The basis of Mr. Gantfoer's argument was a 2001 ruling by the Speaker of the House of Commons that found that the denial of Members or their staff to an embargoed technical briefing for media on a bill constituted a

prima facie contempt of Parliament. The Speaker's finding was later supported and reinforced by a review conducted on the matter by the House of Commons' Standing Committee on Procedure and House Affairs.

Noting that the Saskatchewan Assembly had no precedents directly on point, Speaker **Myron Kowalsky** accepted the relevance of the principle set out in the Commons ruling. The fact that the Ottawa precedent dealt with a bill and not a report or a budget, did not refute the principle that nothing should be done that disadvantages or impedes Members from carrying out their parliamentary functions. Accordingly, it was his opinion that it would be appropriate for the Assembly to consider which direction it wished to take in this matter.

Mr. Gantefoer then moved his motion calling for the Executive Council staff members who had denied the Opposition access to the briefing to be found in contempt of the Assembly and that in the future, Opposition Members and their staff would be allowed access to any embargoed news conference or technical briefing provided by the Government and Crown corporations that was open to the media. A debate ensued before the Government House Leader **Harry Van Mulligen** moved an amendment referring the matter to the Standing Committee on Privileges. The debate concluded with the committee being directed to report back within one week.

The deliberations in the committee failed to resolve the question and the matter ended up before the Assembly for a second time. On May 2nd, the government introduced a motion proposing a solution to the matter. The proposal included three points:

- Firstly, the Assembly requested the Government to instruct its officials and Crown corporations to acknowledge and respect the rights and privileges of all MLAs;
- Secondly, all technical briefings and news conferences that dealt with matters to be considered by the Assembly were to be made available to all MLAs and their staff in advance of or concurrently with any media briefings; and
- Thirdly, any technical briefing that was provided to the media that excluded MLAs or their staff would not be considered a breach of privilege as long as an advance or concurrent technical briefing was provided to the MLAs and their staff.

The Opposition proposed an amendment condemning the Government for refusing to permit Members and their staff access to any embargoed news conferences or technical briefings open to the media. The debate continued throughout the afternoon before the amendment was put to the House and defeated. Subsequently, the original motion was adopted.

Committee Business

The Assembly has completed one full year of operation under the new Rules adopted in 2004, including the reorganization of House committees. To date, committee activity has focused on the review of bills, estimates and reports of Crown corporations. It is anticipated that the second year of operation will afford the committees the opportunity to address other matters under their purview, including the review of regulations, public hearings on legislation and inquiries.

Provincial Centennial Celebrations

2005 is the 100th anniversary of Saskatchewan's entry into confederation

as a province. The Assembly marked the milestone with a special commemorative debate during the opening week of the Spring session. The text of the motion reflected the sentiments that echoed through the Members' remarks:

That this Legislative Assembly mark the first sitting in our centennial year by honouring Saskatchewan – our rich history of traditions and diverse cultural fabric; our innovative thinking, community spirit and collective pride; our past accomplishments and future opportunities; and all of our people, places and perspectives that make ours such a well-respected province and will provide the foundation to build a bright and prosperous future.

The official birthday falls on September 4th although celebrations will span the entire calendar year. Fulfilling the centennial slogan "100 Years of Heart", the activities, events and projects planned range across a broad spectrum – from high profile events like the Centennial Gala and sporting events like the Jeux Canada Games to local town and family homecomings. Examples of the special events and activities that will commemorate the year include:

- Special commemorations for the province's centenarians and newborns;
- A centennial song has been written and recorded;
- Commemorative merchandise such as an official symbol, clothing, pins and license plates have been developed;
- The Saskatchewan Centennial Medal will be awarded to recognize those individuals who have made significant contributions to society;
- The SaskPower Shand Power Plant has grown a special crop of the provincial flower, the Western Red Lily, for distribution and

planting throughout the province;

- A Centennial website has been launched that outlines the opportunities on offer, from grants and initiatives available for community events, to youth initiatives like the Peace Project and **Theresa Sokirka's** Great Centennial Road Trip, to planning resources to organize your own centennial event. The site also contains a light-hearted list of 100 reasons to celebrate.

The Centennial festivities will also include a visit to the province by the Queen and Duke of Edinburgh from May 17th to 20th. During their stay in Saskatchewan, they will unveil a Golden Jubilee statue of Her Majesty on Burmese and a centennial mural at the Legislative Building, visit the First Nations University of Canada, and tour the Canadian Light Source Synchrotron at the University of Saskatchewan.

Upgrades to the Legislative Building

After 27 years of service, the original audio system in the Chamber has been replaced with a modern digital audio system. The old system had been increasingly prone to failures and serious problems due to its aging circuitry. Planning for the project took place in the fall of 2004 with implementation delayed until after the fall session. Then in early December, the old system was decommissioned and dismantled. Installation of the new equipment, including modern microphones and speakers on each desk, followed in the New Year. Testing and fine tuning of the system continuing into the early days of the Spring session. Improvements to the quality of sound in the galleries were also achieved by the installation of new speakers.

The final component of the project was the upgrading of electrical

and data wiring. Electricity was brought to each Member's desk so that laptop computers no longer have to rely on battery power. A computer data jack was also added to the desk top console. This jack will provide Members with reliable access to the Internet, where before they had to rely on the wireless internet access service that was provided.

The desks used by Members in the Chamber are the original structures designed by the Legislative Building architects in the early 20th century. All changes to the Members' desk were carried out in conformity with provincial Heritage Property guidelines. Wherever possible, the original pieces were incorporated into the renovations. For example, a brass cover that previously covered an inkwell has been configured to flip open to allow Members to stow their electrical cords inside the desk and feed the end up to a laptop on the desk.

The second noticeable change in the Legislative Building was the April opening of the Cumberland Gallery Gift Shop. The shop features products that promote the Legislative Assembly and showcases the talents of artisans within the province and Canada. Artistic interpretations of First Nations people will also be highlighted.

The gift shop is a collaboration between the Assembly, the Royal Saskatchewan Museum Associates and the Department of Saskatchewan Property Management and represents the culmination of efforts over several years to provide this service. Funds generated from the initiative will support the ongoing efforts of the Associates, including public programming within the Royal Saskatchewan Museum.

Margaret (Meta) Woods
Clerk Assistant



Northwest Territories

The Third Session of the Fifteenth Legislative Assembly prorogued on March 10, 2005. Noteworthy House business included the passage of the 2005-2006 Budget, the third and final Bill establishing self-government for the Tlicho people of the North Slave, a Bill amalgamating two investment and business development arms of the Government of the Northwest Territories, and a Bill giving the same rights and obligations to people in different spousal relationships as those in traditional spousal relationships. A total of seven Bills received assent on March 10th:

- The *Tlicho Community Services Agency Act* (Bill 15) establishes an Agency, to perform functions related to education, health and social services in Tlicho communities and on Tlicho lands. The Agency is required by the *Tlicho Intergovernmental Services Agreement* made under the *Tlicho Land Claims and Self-Government Agreement*.
- The *Northwest Territories Business Development and Investment Corporation Act* (Bill 16) creates a Corporation whose purpose is to support the economic objectives of the Government of the Northwest Territories by encouraging the creation and development of business enterprises and by providing information and financial assistance to, and making investments in, such enterprises.
- The *Modernization of Benefits and Obligations Act* (Bill 17) amends several Acts to ensure that references to "spouse" appropriately capture persons who live in

spousal relationships outside marriage, so that the rights or obligations provided for or imposed under those Acts are equitably applied to persons in different forms of spousal relationships, including same-sex relationships.

- *An Act to Amend the Territorial Court Act* (Bill 18) repeals the requirement that territorial court judges and deputy territorial judges cease to hold office at age 65, subject to reappointment. The ultimate requirement that such judges cease to hold office at 75 is retained.
- *The Appropriation Act 2005-2006* (Bill 19) and the *Supplementary Appropriation Act, No. 3, 2004-2005* (Bill 20) authorize the Government of the Northwest Territories to make operations expenditures and capital investment expenditures for the 2005-2006 fiscal year and supplementary appropriations for 2004-2005.
- *An Act to Amend the Public Service Act* (Bill 21) provides for the appointment of Staffing Review Officers who will hear appeals of appointments made by competition, and to authorize the enactment of regulations governing such appeals.

Budget Session

Finance Minister **Floyd Roland** (Inuvik - Boot Lake) introduced his second budget of the Fifteenth Assembly on February 10, 2005. The next four weeks proved eventful as Members debated the merits of a budget that they reviewed in draft estimate form in Standing Committees in January. Much of the enlivened debate revolved around issues associated with the proposed closure of Justice facilities in Hay River and Inuvik. There was a considerable divergence of opinion between Regular Members and the Minister of Justice regarding the anticipated savings resulting from the closures and the methodology by which the projected savings were calculated.

The 2005-2006 Budget also reflected the division of the Department of Resources, Wildlife and Economic Development (RWED) into the Departments of Industry, Tourism and Investment (ITI) and Environment and Natural Resources (ENR) effective on April 1, 2005. This move separates the opposing mandates of environmental protection and economic development, which formerly co-existed in RWED.

Committee Review of Election Report

The Standing Committee on Rules and Procedures reported on its public review of the Report of the Chief Electoral Officer on the Administration of the 2003 General Election on February 17, 2005. Among the Chief Electoral Officer's recommendations considered by the Committee were options for a fixed election date, enhanced public education regarding the electoral process and a comprehensive administrative review of the *Elections Act*. In its report the Rules Committee endorsed the CEO's recommendations in their entirety and after some debate they were adopted by the House. The most noteworthy is the recommendation to amend the necessary legislation to allow for a fixed election date for general elections. Future general elections in the Northwest Territories will occur on the first Monday in October every four years, beginning in 2007.

Cabinet Re-assignments

As a result of the creation of an additional department, and in an effort to rebalance workloads, the Premier, **Joe Handley** (Weledeh) announced a series of Cabinet re-assignments on March 17th. **David Krutko** (Mackenzie Delta) assumed responsibility for the Northwest Territories Power Cor-

poration from the Premier and was relieved of responsibility for the Workers' Compensation Board, which was given to **Charles Dent** (Frame Lake). Mr. Dent also retained the Department of Education, Culture and Employment, while passing on responsibility for the Department of Justice to **Brendan Bell** (Yellowknife South). Effective April 1, 2005, Mr. Bell, formerly the Minister of RWED, also became Minister of Industry, Tourism and Investment and **Michael Miltenberger** (Thebacha) was given responsibility for Environment and Natural Resources in addition to continuing as Minister of Health and Social Services.

Standing Committee Re-assignments

On March 10, 2005 **Robert Villeneuve** (Tu Nedhe) moved a motion to appoint the newest Member, **Robert McLeod** (Inuvik - Twin Lakes) to the Standing Committee on Accountability and Oversight and the Standing Committee on Social Programs and to facilitate a number of Committee re-assignments: **Robert Hawkins** (Yellowknife Centre) was moved to the Standing Committee on Governance and Economic Development from the Social Programs Committee; **Robert McLeod** replaced **Norman Yakeleya** (Sahtu) as an alternate Member of the Governance and Economic Development Committee; and Mr. Yakeleya replaced Mr. Villeneuve as an alternate on the Board of Management.

Appointments

Former Member of the Legislative Assembly, Minister, Speaker, Sergeant-at-Arms, and most recently the Deputy Commissioner of the Northwest Territories, **Anthony (Tony) Whitford** was sworn in as the Fifteenth Commissioner of the

Northwest Territories on April 29, 2005. Mr. Whitford replaces the **Glenna Hansen** whose term expired on April 6, 2005.

On February 11, 2005 the House passed a motion appointing **Glen McLean** as the Chief Electoral Officer of the Northwest Territories until June 30, 2008. Mr. McLean had been serving as the Deputy Chief Electoral Officer since 1996. His appointment follows the resignation of former CEO **David Hamilton** in late 2004.

On February 21, 2005 the House appointed, by motion, **Shannon Gullberg** as the Commissioner of Official Languages of the Northwest Territories pursuant to Section 18 of the *Official Languages Act* of the Northwest Territories. The appointment commenced on February 22, 2005 and is a four-year term under the Act. Mrs. Gullberg brings a wealth of experience to the office, having served as legal counsel to the previous Languages Commissioner.

Fourth Session

The Fourth Session of the Fifteenth Legislative Assembly of the Northwest Territories will convene at 1:30 PM MST on Wednesday, May 25, 2005.

David Inch
Clerk of Committees



Prince Edward Island

The Legislative Assembly opened for the Second Session of the Sixty-second General Assembly on

November 18, 2004. It adjourned to the call of the Speaker on December 16, 2004, after 17 sitting days, and was recalled on April 6, 2005.

Significant Legislation

Two of the more significant pieces of legislation considered during the Session were:

An Act to Amend the Tobacco Sales to Minors Act prohibits the sale of tobacco in designated places, which would include health care facilities, government buildings, schools, and recreational facilities. The Act also prohibits tobacco from being sold in vending machines or in any sort of self-service display. A further section, which will come into effect June 1, 2005, provides for the designation of pharmacies and certain retail stores as places where tobacco products may not be sold.

The *Renewable Energy Act* requires a public utility to obtain a prescribed amount of its electric energy from renewable energy sources each year. This provision will have effect in 2010, when a minimum of 15% of a utility's electric energy must be obtained from renewable or "green" sources. The legislation also sets out requirements for public utilities to complete demand side management plans, with the goal of reducing the intensity of the peak demand for electric energy. Finally, the Act allows small capacity renewable energy generators to enter into net-metering system agreements with public utilities.

Resignation of Information and Privacy Commissioner

Karen Rose, the province's first Information and Privacy Commissioner, resigned from her position in April 2005, citing personal reasons. In making the announcement, Speaker **Greg Deighan** congratulated her for a job well done and thanked her for her professionalism

in carrying out her duties. Ms. Rose had held the position since November 2002, and was responsible for administering the *Freedom of Information and Protection of Privacy Act*. A replacement for Ms. Rose will be appointed in the near future. The Standing Committee on Legislative Management has responsibility for recommending to the Legislative Assembly a person for appointment as Information and Privacy Commissioner, which must be supported by at least two-thirds of the Members voting before being confirmed.

Retirement of Chief Electoral Officer

The province's Chief Electoral Officer, **Merrill Wigginton**, retired on April 30, 2005. He had served in the post for the past 19 years. Many would agree that his finest hours came during the General Election of 2003, when *Hurricane Juan* hit the province in the early hours of election day. 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. Despite this, voter turnout, at just over 83%, was down only slightly from the General Election in 2000, a tribute to Mr. Wigginton's equanimity and composure in the face of disaster. In true "busman's holiday" fashion, Mr. Wigginton left immediately upon retirement for British Columbia to assist in that province's provincial General Election and vote on proportional representation.

Lowell Croken, former Deputy Chief Electoral Officer, who has served with Elections PEI since

1996, has been named as Acting Chief Electoral Officer.

Commission on PEI's Electoral Future

In January 2005, the Commission on PEI's Electoral Future was created in response to recommendations in the Electoral Reform Commission report which was released in 2003 (available in its entirety at www.assembly.pe.ca). The eight-member Commission is composed of one representative from each of the three political parties registered for the 2003 provincial General Election, one person from each of the four federal electoral districts in the province, as selected by the Standing Committee on Legislative Management, and one person as chair, also selected by the Standing Committee on Legislative Management.

The Commission on PEI's Electoral Future will be responsible for developing and conducting a public education program to increase awareness of the present first-past-the-post electoral system and, as an alternative, a mixed-member proportional system. The Commission will also develop the wording of the question as to which system Islanders prefer to be presented in a future plebiscite. The timing of the plebiscite will be a recommendation from the Commission to the Legislative Assembly.

Commissioners started meeting in March 2005 and plan a series of public meetings in the fall of 2005. The pros and cons of both a mixed member proportional system and the first-past-the-post system will be presented to the public at the meetings. It is anticipated that significant discussion and debate will result.

Commonwealth Parliamentary Association Matters

The twenty-seventh CPA Canadian Regional Parliamentary Seminar will be hosted by the Prince Edward Island Branch in Summerside, Prince Edward Island, from October 20-23, 2005. Invitations and registration forms will be sent out to all jurisdictions in the near future.

Speaker Deighan represented the Canadian Region of the Commonwealth Parliamentary Association at the 2005 Executive Committee Mid-year Meeting in Sydney, Australia, in April 2005.

Little's in the Legislature

Members of the Legislative Assembly hosted 25 children on April 12, 2005, in a pilot program called "Take a Little to the Legislature." Members of Big Brothers Big Sisters got a close-up look at the workings of government and the provincial legislature. Each MLA was matched for the day with one young person from the Big Brothers Big Sisters of Prince Edward Island organization. The youths had a tour of the Official Opposition offices in the morning and then visited the Premier's office before going to Government House, where pizza was served on silver platters to the delight of all the guests. In the afternoon, it was off to the Public Gallery at Province House, and each Little was welcomed and introduced by his or her respective MLA. The day was a great success and garnered a great deal of positive interest in the Big Brothers Big Sisters organization and its work.

Marian Johnston
Clerk Assistant and
Clerk of Committees



Ontario

The House returned early from the winter recess and started its spring session on February 14, 2005.

John Tory, Leader of the Progressive Conservative Party in Ontario won the by-election held in the riding of Dufferin-Peel-Wellington-Grey after the resignation of the incumbent member and former Premier, **Ernie Eves**. Mr. Tory won his seat on March 17, 2005 and took his seat in the House on March 29, 2005.

Elizabeth Witmer, MPP for Kitchener-Waterloo is Deputy Leader and Caucus Chair for the Progressive Conservatives. Two PC members, **John Baird**, MPP for Nepean-Carleton and **Jim Flaherty**, MPP for Whitby-Ajax, have announced their intention to run in the next federal election. NDP MPP **Marilyn Churley**, member for Toronto-Danforth, has also announced she will seek nomination to run federally in her neighboring riding of Beaches-East York.

The House has been busy with legislation throughout the spring sitting. Legislation to create and control a Greenbelt Plan for development around the Golden Horseshoe area of southern Ontario received Royal Assent. The legislation intends to create and preserve more than a million acres of green space to permanently protect agricultural lands and green space while targeting growth and curbing urban sprawl.

The *Ontario Heritage Amendment Act* received Royal Assent. The Act,

among other things, gives municipalities more tools and flexibility to prevent the destruction of heritage properties and increase protection for marine heritage and archaeological resources.

The Minister of Energy has introduced several pieces of legislation and initiatives intended to address the pressing concerns around the cost, availability and delivery of reliable electricity supplies to the province. With a commitment to close all coal fired generating stations by 2007 and a need to replace 25,000 megawatts of generating capacity within 20 years which represents 80% of the current generating capacity of the province, the legislative framework is being put in place to foster a culture of conservation, allow price to reflect the true cost of generation and delivery, and encourage private investment to participate to help address current and long term needs. A Conservation Bureau with a Chief Energy Conservation Officer has been established and the coal-fired Lakeview Generating Station, which was the biggest single source of air pollution in the Greater Toronto Area was closed at the end of April.

By a voice vote, the Legislature passed legislation to amend more than 70 statutes to bring them in line with Court decisions that found same-sex marriage to be constitutional. The legislation also clarifies that religious institutions need not perform marriages that are inconsistent with their religious beliefs.

The Attorney-General introduced legislation to create a Citizens' Assembly on Electoral Reform to examine Ontario's electoral system. If recommendations are made to change the electoral system, a referendum would be held on the alternative. A Citizens' Jury on Political Finance would make recommendations on how political

parties and election campaigns are financed. The legislation would also fix election dates at every four years and increase the number of ridings in the province from 103 to 107.

Committee Activity

The Standing Committee on Justice Policy elected Dr. **Shafiq Qadri** as the new Chair on December 16, 2004. The Committee considered and reported on Bill 110, *An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds* and Bill 158, *An Act to replace the Theatres Act and to amend other Acts in respect of film*. In April, the Committee began public consultations on Bill 128, *An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities*.

The House referred Bill 163, *An Act to amend the City of Ottawa Act, 1999* to the Standing Committee on General Government on March 1, 2005. The Committee met for clause-by-clause consideration of Bill 163 on March 2, 2005. The Bill amends the *City of Ottawa Act, 1999* and "requires the city to adopt a policy respecting the use of the English and French languages in all or specified parts of the administration of the city and in the provision of all or specified municipal services by the city." Bill 163 was reported back to the House without amendment on March 2, 2005 and received Royal Assent on March 9, 2005.

In April and May of 2005, the Standing Committee on General Government held back-to-back public hearings in Toronto. Public hearings were held on Bill 136, *An Act respecting the establishment of growth plan areas and growth plans*, followed by public hearings on Bill

155, *An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997*.

The Standing Committee on Social Policy met for clause-by-clause consideration of Bill 118, *An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities* for five days and reported the bill back to the House with amendments. The Committee then met for three days of public hearings including one day of hearings in Kitchener, Ontario for Bill 144, *An Act to amend certain statutes relating to labour relations*. Clause-by-clause consideration was completed in one day and the bill was reported to the House with amendments. Bill 183, *An Act respecting the disclosure of information and records to adopted persons and birth parents* has been referred for consideration.

Anne Stokes
Committee Clerk



New Brunswick

The Second Session of the Fifty-fifth Legislature resumed Wednesday, March 30, 2005, when Finance Minister **Jeannot Volpé** (Madawaska-les-Lacs) brought down the 2005-2006 Budget.

The budget focused on the five objectives set out in last year's budget:

- record investment in health and senior care (increased by \$163.1 million to \$2.3 billion); and education (increased by \$38.5 million to \$1.2 billion) and children;
- further tax relief for small businesses (small business corporate income tax rate will be lowered to one per cent and the income threshold will be increased to \$500,000); more capital investment and new community economic development programs (capital expenditures for roads, highways, hospitals, schools and other priorities will increase three times faster than all other program spending, to help create jobs and better public infrastructure);
- no raise in or creation of any new taxes;
- stronger value for taxpayers by saving money in back-office government operations in order to re-invest in front-line government services; and
- the budget is balanced with a surplus of \$98.9 million and a reduction in net debt of \$4.0 million; gross consolidated revenue is projected to be \$6.109 billion, up 2.9 per cent from revised 2004-2005 estimates; gross consolidated expenditure is estimated at \$6.105 billion, up 3.7 per cent from last year.

Education spending will include funding for K-12, initiatives under the Quality Learning Agenda, 85 more teaching positions, the second year of the pilot laptop research program, quality technology infrastructure enhancement, and increased investments in universities and community colleges.

Health and wellness spending is increased for Medicare, hospital services, ambulance services, prescription drug program, promotion of healthy living for children and youth in the areas of physical activity, nutrition and healthy eating, tobacco cessation, mental health and resiliency, nursing programs, and

support for families, children, persons with disabilities and seniors. Social assistance rates will increase by 6% over the next three years – the largest increase since 1991; nursing homes, by 9.1%; support agencies by 10% over the next three years; and an investment of \$11.8 million in the Early Childhood Development Agenda.

The budget provides an additional \$11 million in tax relief: all provincial income tax credit amounts and tax brackets have been indexed to protect against inflation effective January 1, 2005.

In his response to the Budget speech, Opposition Finance Critic **Michael Murphy** (Liberal, Moncton North) claimed that the government had failed to promote economic development and to create jobs with growing wages. He criticized the budget: "What did we get from this government? What did we get as tools for growth? We got stealth taxation – higher property taxes through higher assessments. We got higher power rates. We got price shock in insurance. We got more financial fiascos. We got less health care and less belief in our people."

On April 7 during the Budget Debate, Opposition Leader **Shawn Graham** (Kent) moved a non-confidence amendment to the motion "THAT this House approves in general the budgetary policy of the government." During the debate, **Eric Allaby** (Liberal, Fundy Isles) moved that the question be now put on the opposition amendment that "this House no longer has confidence in the Government." In ruling the motion out of order, Deputy Speaker **Trevor Holder** (PC, Saint John Portland), ruled that it was clear that the Standing Rules and the parliamentary references referred to the moving of the previous

question on the original motion and not on the amendment.

In closing the Budget Debate on April 15, Premier **Bernard Lord** (Moncton East) announced a tuition cash-back program which will allow students enrolled in post-secondary education who live and work in the province to have one-half their tuition costs to a \$10,000 lifetime maximum rebated against their provincial income tax anytime up to 20 years from when the first year credit is earned, effective January 2005.

Three Bills received Royal Assent on April 14:

- Bill 11, *An Act Respecting Rural Communities*, introduced by Environment and Local Government Minister **Brenda Fowlie** (Kennebecasis) will allow rural communities to choose their own form of local government. The Rural Community Model calls for an elected council chaired by a mayor and will provide, at a minimum, community planning services upon being established. The province will continue to provide other local services until rural communities are ready to assume these services themselves and will continue to provide services in local service districts that choose not to become part of a rural community. This initiative is part of the provincial government's response to the recommendations of the Report of the Select Committee on Local Governance and Regional Collaboration, tabled in 2003.
- Bill 22, *An Act to Amend the Legal Aid Act*, introduced by Justice Minister **Brad Green** (Fredericton South), will establish a New Brunswick Legal Aid Services Commission to administer criminal and domestic legal aid services to ensure that New Brunswickers eligible for legal aid will continue to have access to the court system. The commission, which will report to the Legislative Assembly through the Minister of Justice and be audited

annually by the Auditor General, will be governed by a board of directors appointed by the provincial Cabinet and will operate at arms length from the Minister of Justice and Attorney General.

- Bill 36, *An Act to Amend the Liquor Control Act*, introduced by Public Safety Minister **Wayne Steeves** (Albert) provides that if a liquor licence holder does not comply with the provisions of the *Smoke-free Places Act*, and is convicted of an offence, the minister will be able, without a hearing, to suspend or cancel the liquor licence.

On April 12 the House adopted a motion recommending the appointment of **Patrick A.A. Ryan** as Conflict of Interest Commissioner for a term of five years. Mr. Justice Ryan has had a distinguished career as a Judge of the Court of Queen's Bench and as a Justice of the Court of Appeal of New Brunswick. The House also expressed its appreciation to retiring Commissioner **Stuart G. Stratton**, New Brunswick's first Conflict of Interest Commissioner, for his professional and dedicated service.

On April 26, Speaker **Bev Harrison** (Hampton – Belleisle) drew the attention of Members to the return of the magnificent chandeliers after a two-year restoration project. Both the north and south chandeliers were restored after the latter crashed on the Chamber floor in November of 2002 during annual maintenance.

On April 26, the Standing Committee on Law Amendments, chaired by **Jody Carr**, (PC, Oromocto-Gagetown) recommended that two opposition private member's public Bills referred to the Committee – Bill 2, *Volunteer Protection Act*; and Bill 5, *An Act to Amend the Workers' Compensation Act* – not proceed.

- Bill 2, introduced during the previous session by Opposition

Leader **Shawn Graham** (Kent), attempts to protect volunteers from being personally liable for damages caused by them and attempts to provide legal protection to people who give their time free of charge to worthwhile causes. The committee agreed with the intent of the Bill but recommended that it not proceed in its current form.

- Bill 5, also introduced last session by the Opposition Leader, proposes to create loss of earnings benefits for all volunteer firefighters, whether employed in another profession or not. It would also create a presumptive provision stating that if full-time firefighters are diagnosed with certain types of cancers, it would be deemed to be an occupational disease. The committee recommended that the Bill not proceed as it did not adequately accomplish its objectives.

The Select Committee on Health Care chaired by **Claude Williams** (PC, Kent South) had under consideration Bill 60, *Health Charter of Rights and Responsibilities*, introduced by Health Minister **Elvy Robichaud** (Tracadie-Sheila) during the Fifth Session of the 54th Legislature.

- Bill 60 attempts to balance the rights and responsibilities of New Brunswickers within the health care system and to accord a number of rights, among them, the right to timely access of health care services, the right to make informed decisions on health care, the right to receive relevant health care information and the right to the investigation of complaints. After careful consideration and public input, the Committee recommended the introduction of a revised version of the *Health Charter of Rights and Responsibilities Act*.

On April 27, Speaker Harrison gave his third casting vote of the session, negating a motion for second reading of Bill 38, *An Act Respecting the Regional Health*

Authorities Act, introduced by **Roly MacIntyre** (Liberal, Saint John Champlain). The Bill proposes that the CEOs of Regional Health Authorities report to the boards rather than to the Minister of Health and Wellness.

On May 10 the Minister of Finance introduced Bill 45, *An Act Respecting a Fair Deal for Cities and Communities in New Brunswick*, stating that New Brunswick is committed to ensuring equity between incorporated areas and unincorporated areas in the allocation of gas tax funding when an agreement is entered between the governments of Canada and New Brunswick under the Fair Deal for Cities and Communities and that gas tax funding will provide incorporated areas and unincorporated areas with a source of funding for environmentally sustainable infrastructure projects.

For two successive weeks, question period was dominated by opposition calls for the Minister of the Environment and Local Government to resign. Opposition Members claimed that the Minister had violated the *Protection of Personal Information Act* and her oath of confidentiality as a member of the Executive Council in disclosing certain information regarding a sitting Member of the House. At the request of the Official Opposition, the matter is currently before the province's Ombudsman who acts as a watchdog under the Act.

The House is scheduled to adjourn on June 10, 2005, in accordance with a sessional calendar adopted in December 2004.

Standings in the House remain at 28 Progressive Conservatives, 26 Liberals and 1 NDP.

Diane Taylor Myles
Researcher



British Columbia

The Legislative Assembly of British Columbia was convened on the morning of February 8, 2005 for the prorogation of the fifth session of the Thirty-Seventh Parliament. The sixth session was opened that afternoon with the Speech from the Throne read by Lieutenant Governor **Iona Campagnolo**. Tapping into Olympic optimism, the Speech identified “five great goals for a golden decade.” The specific goals include: “making British Columbia the best-educated, most literate jurisdiction on the continent; leading the way in North America to healthy living and physical fitness; building the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors; leading the world in sustainable environmental management; and creating more jobs per capita than anywhere else in Canada.”

Echoing the themes introduced in the throne speech, the Minister of Finance **Colin Hansen** (Vancouver-Quilchena) introduced a budget projecting a \$1.4-billion surplus with an additional \$300 million contingency allowance on February 15. The budget committed \$1.7-billion to debt repayment – the largest single annual debt reduction in the province’s history. Among other highlights, Budget 2005 established a \$3-billion capital investment in the province’s transportation infrastructure; increased investment in

the tourism sector; bolstered program spending in health and education; raised the threshold for the corporate capital tax; and provided additional tax rebates for consumers purchasing energy-efficient furnaces and hybrid passenger vehicles.

In her response, the Opposition House Leader **Joy MacPhail** (Vancouver-Hastings) labelled the budget as a “last-minute extreme political makeover,” and stated that the budget would not cover up the government’s “history of record deficits, higher taxes and fees, longer wait-lists, failed privatization schemes and a more polarized and divided province.”

In a noteworthy procedural move, the Government House Leader **Graham Bruce** (Cowichan-Ladysmith) declared that due to the approaching fixed election date of May 17, 2005, that budget would be debated – but that a line-by-line review of the estimates would not occur until after the election. Noting what appeared to be a \$236-million “pre-election slush-fund” – listed as unspecified economic development expenditure – Ms. MacPhail promised that her party would work with the government to conclude estimates debate by April 19, the date scheduled for dissolution. While this offer was not accepted, both the BC Liberals and the New Democratic Party have stated that their respective parties will examine whether the fixed election date should be moved to the fall, in order to accommodate a thorough estimates review prior to a general election.

The government did, however, introduce 11 supplementary estimates to cover expenditures on items such as Olympic venue construction, aid for the agricultural sector, forestry revitalization, and a \$550-million grant to pay down the

debt of the B.C. Transportation Financing Authority. In addition, two significant pieces of legislation received Royal Assent. Bill 2, *Thompson Rivers University Act*, established Canada’s newest university. Located in Kamloops, Thompson Rivers University combines the existing academic and vocational training programs granted by the University College of the Cariboo with the on-line and correspondence courses offered by the B.C. Open University and Open College. Bill 4, *Attorney General Statutes Amendment Act* establishes a new child support service responsible for recalculating child support payments on an annual basis.

The Government House Leader moved to adjourn the sixth session on March 10, 2005. The day was marked by a tribute to some of the seventeen members of the Legislative Assembly who had decided to retire from political life. In particular, both government and opposition Members acknowledged the contribution of Ms. MacPhail.

On April 19, 2005, the Thirty-Seventh Parliament was dissolved and the election writs were issued for the May 17 provincial election.

Provincial Election

Described as an uneventful campaign by the news media, the election campaign featured both a televised leaders’ debate and a radio debate, with three parties (BC Liberals, BC New Democratic Party, and Green Party) represented. The media consortium broadcasting the televised debate decided to exclude the participation of the Democratic Reform BC leader, citing a lack of party history in B.C., despite the fledgling party having a sitting Member in the Legislative Assembly.

Early results indicate that the New Democratic Party has won 33

seats, up from three seats at dissolution. NDP Party Leader **Carole James** (Victoria – Beacon Hill) won her seat and will take her place as the Leader of the Official Opposition. The election also marks the return of seven former NDP cabinet ministers to the ranks of the Official Opposition, including **Jenny Wai Ching Kwan** (Vancouver – Mount Pleasant), **Corky Evans** (Nelson – Creston), and **Mike Farnworth** (Port Coquitlam – Burke Mountain). The BC NDP returned to its traditional level of support with 41 percent of the popular vote.

Lead by Premier **Gordon Campbell**, (Vancouver – Point Grey), the BC Liberals were returned to government with 46 seats, down from 73 seats at dissolution. Among the new recruits for the BC Liberals are **Carole Taylor** (Vancouver – Langara) the former chair of the Canadian Broadcasting Corporation – and **Wally Oppal**, (Vancouver –

Fraserview), a former Justice of the British Columbia Court of Appeal.

Referendum on Electoral Reform

Preliminary returns show that the referendum question on whether BC should adopt a single transferable vote electoral system for future elections appears to have gone down to defeat. The referendum required an affirmative aggregate vote of 60 percent in addition to a positive endorsement in 48 of the 79 provincial ridings. The referendum question – *Should British Columbia change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform?* – received about 57% and passed in all but two electoral districts reporting at the time of publishing.

The mixed result emerging from the referendum on electoral reform will create an interesting dilemma for the incoming government. While fielding reporters question following his election victory, Pre-

mier Campbell indicated that he wishes to hear from the Citizens' Assembly to examine the lessons learned from the referendum campaign and to see whether “we should move in another direction or continue down a path” to implementing BC-Single Transferable Vote.

Other matters

Congratulations are in order for **E. George MacMinn Q.C.**, Clerk of the House, for being awarded the Order of British Columbia on April 15, 2005. Mr. MacMinn is the most senior parliamentary officer of the British Columbia Legislative Assembly and the longest serving table officer in a Commonwealth Parliament.

Jonathan Fershau

Research Analyst
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