

# Canadian Parliamentary review

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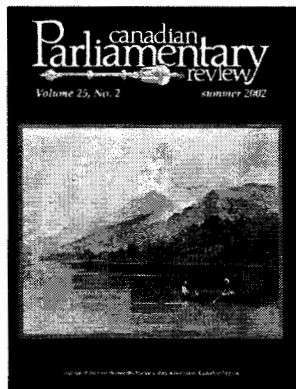
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# canadian Parliamentary review

## About the Cover

New Brunswick, host of the 2002 Canadian Regional Conference of CPA, is known for its rivers and scenic landscape. The artist, Charles Caleb Ward studied in London and had a studio in New York from 1868 to 1872. His paintings often depicted Indians but unlike many of his contemporaries he did not romanticize Indian culture.



"Drifting"  
Oil on canvas  
20.7 x 35.7 cm  
by

Charles Caleb  
Ward (1831-1896)

Saint John Art Club  
Collection, 1995  
New Brunswick  
Museum (995.26.40)

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## Parliament and Democracy in the 21<sup>st</sup> Century: The Crown and the Constitution

This fall the Queen will be making her twentieth visit to Canada (not including her tour as Princess in October 1951). For half a century, she has personally contributed, beyond measure, to the strengthening of civil society in Canada. When not acting on her own, her representatives in all the capital cities – the Governor General and the Lieutenant Governors – and members of her family have assisted in carrying out the different functions involved in the royal mission. Working jointly and severally, they form a firm that we call the Crown.

Prior to the Queen's visit, it is fitting that we get a better grasp on the constitutional role of this many-faceted institution.

Despite the teachings of political scientists John Stewart (a former MP and Senator) and David Smith, many Canadians continue to think and speak of our constitution in the tri-partite terms of a legislature embodied in Parliament; an executive embodied in the Prime Minister and his Cabinet colleagues; and a judiciary embodied in the Courts and Charter.

I propose that we think of our constitution in less legalistic terms, that we approach it from a combined historical and sociological perspective. From this perspective, we ask: what holds Canada together? With so many centrifugal forces at work in today's world, is there still a basis left for our sovereignty? How do our major public institutions contribute to the coherence of civil society? To begin to answer these questions requires an appreciation of our institutional heritage.

Monarchy has played a central role in the integration of society throughout the history of the West. But that role has evolved greatly, particularly in Great Britain as that society grew in complexity. Indeed, since the 17th century, in a continuous process of differentiation, the British Crown has undergone four major transformations.

**Sharing Power:** The Glorious Revolution of 1688 consolidated the basic framework for the Crown's sharing of power with representatives from the different estates of the realm. The Monarch's

power could no longer be exercised absolutely. The liberty of the realm could no longer be left to the King's prerogative. It could only be secured through the political cooperation and consent of peers and burgesses – property-owners small and large.

This settlement in the distribution of power made for a 'mixed' regime – the humanists' ideal – that combined the best of monarchy, aristocracy and democracy. All three were given scope to operate in Parliament; each had its chance to contribute while being checked through the operation of the other two. To be fixated on only one principle – say, the democratic – is to miss the whole point of Parliament.

Today, the Crown continues to be an integral part of Parliament: convoking it, dissolving it, initiating each session with a speech from the throne, and assenting to every bill. On a day-to-day basis, the Crown is symbolically present in the mace that lies in the centre of the House of Commons whenever it is in session and in the designation "Her Majesty's Loyal Opposition" that is attributed to the major opposition party.

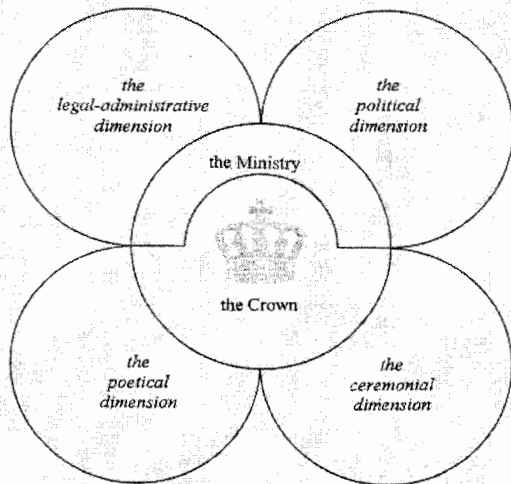


Paul Benoit

**Maintaining Authority:** The 18<sup>th</sup> century witnessed another important, though arguably accidental, evolution in the role of the Crown. From a legal and an administrative perspective, the Monarch began to be distinguished from his chief counsellors. Not speaking English, George I did not attend cabinet meetings. This created a vacuum that was filled by

Sir Robert Walpole, who became England's first *de facto* prime minister (1721-42). In the 1780s, William Pitt (the Younger) consolidated the authority of the cabinet and of the premier within the cabinet.

This doctrine of royal infallibility had the advantage of preserving the stability of the state's structure of delegated authority. In return, the Monarch had to choose his chief advisors from among those politicians who had the support of the majority in the House of Commons. This convention ensured that those who were responsible were also accountable – accountable to Parliament and, through Parliament, to the electorate. It provided an effective way



of revoking a ministry and its policies without jeopardizing the administration of the state, most of which had to be carried on at arm's length from the vagaries of politics.

The question of who would take responsibility for the administration of public affairs and how they would be made accountable was resolved in Canada at the time of the Baldwin-Lafontaine ministry (from 1848 to 1851) with the support and goodwill of the Governor General, Lord Elgin.

**Celebrating in Public:** In the wake of the reform movement and the expansion of the franchise in 1832, Prince Albert recognized that the monarchy would have to evolve further if it was to keep up with changing social conditions. The Crown would have to establish a deeper cultural rapport with people, a rapport that would go beyond the sharing of political power with Parliament or the maintenance of independent civil, military and judicial services. The Monarch would have to reinvent the essentially baroque idea of public ceremonial, adapting it to contemporary circumstances.

Just as individual families mark birthdays, weddings, deaths, anniversaries and other extraordinary events, so should the Monarch, in the company of other members of the royal family, celebrate those events that are milestones in the collective life of society. Commemorating such an event in public with an appropriate display of decorum makes the event more impressive and lends a deeper significance to the occasion. It also sets an example of public behaviour to be emulated by others on lesser occasions.

Coinciding with a cultural revival of the Gothic, the British Crown's interest in public ceremonies resulted in pageantry that took on a hallowed aspect, an aspect reinforced by the involvement of the Anglican Church in many of these ceremonies. Benjamin Disraeli is credited with persuading Queen Victoria in the late 1860s to take on this function, a function that achieved its full aesthetic splendour in the Queen's golden and diamond jubilees.

In Canada, the need to celebrate extraordinary achievement resulted in the development of a distinct honours system; most notably, the creation of the Order of Canada in 1967. Encouraging all forms of cultural endeavour, the Canadian Crown awards prizes of

excellence every year to architects and artists in the literary, performing, and visual and media arts.

**Reaching Out:** At the same time, it became apparent that beautiful ceremonies and the conferral of honours could only go so far. They were pleasing and even inspiring, but that was not the same as involving people at a deep emotional level and giving them an abiding sense of collective purpose. As industrialization and urbanization proceeded apace, more and more people felt alienated from the mainstream of society and the goals set by its elite. The 1930s were particularly bleak in this regard. Basic assumptions about traditional western society were called into question. Socialism and fascism became attractive to many, as each in its own way sought to give meaning and structure to the life of the common man. It was against this larger social background, in the spring of 1939, that the Queen, whose death we have just mourned, brought about intuitively the fourth and final modernization of the Crown.

Tom MacDonnell, in his account of the royal tour across Canada, *Daylight upon Magic*, describes how the Queen, "in an inspired moment, turned from the red carpet and waiting car and moved instead towards the cheering [veterans]". The Queen had invented the walk-about; against the advice of their courtiers, she and the King then took every opportunity to depart from the formal arrangements and get closer to the cheering throngs that surrounded them. There was something poetic about these emotional encounters: however brief, they were heartfelt and had a profound and lasting impact.

In a country as vast as Canada and with a non-resident monarch, the function of reaching out and forging emotional ties with people from all parts of society is largely carried out by the Governor General and the Lieutenant Governors. Through their extensive travels, participation in community events, visits to schools and hospitals, and support of charitable organizations, the representatives of the Crown acknowledge the many different ways which ordinary Canadians struggle to make their contribution to society.

In conclusion, to appreciate the Queen's contribution to Canadian public life requires that we understand the Crown's involvement in all four dimensions of civil society: the political, the legal, the ceremonial and the poetical. No one dimension is more important than another. The accompanying diagram highlights how the Crown integrates all four dimensions – thus preventing them from taking off in different directions – while recognizing the independent basis of each.

A fitting way for Canadians to show our appreciation to the Queen for all she has done would be to invite her to open the next session of Parliament in October. It would also demonstrate an appreciation for our institutional heritage and a confidence in its ability to continue to serve us into the future.

*Dr Paul Benoit, a former university lecturer, civil servant and ministerial aide, is on the Board of the Canadian Royal Heritage Trust, an educational charity dedicated to preserving the more than 500 year history of royal heritage in Canada.*

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# Reforming Royal Assent Procedure

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by Senator Sharon Carstairs, Senator Jerahmiel Grafstein, John Aimers, and Professor David Smith

*When a Bill has been adopted by the House of Commons and the Senate it receives Royal Assent in a ceremony conducted in the Senate chamber. Dissatisfaction with the current process of granting Royal Assent has been smouldering for nearly twenty years. Attendance at the formal ceremony is sparse and the timing is often inconvenient for parliamentarians, the Governor General and Justices of the Supreme Court. Since 1983 a number of motions, reports and Bills have proposed changes. Senator John Lynch Staunton, Leader of the Opposition in the Senate introduced several bills which generated debate but all of them died on the order paper. His latest Bill, introduced at the start of the present Parliament, once again proposed to reform the Royal Assent ceremony. Following discussion with the Government an agreement was reached whereby Senator Lynch Staunton's Bill would be withdrawn and a Government Bill with a similar objective, S-34 the Royal Assent Act, was introduced in the Senate on October 2, 2001. It was supported by the Leader of the Government in the Senate and referred to the Senate Standing Committee on Rules, Procedures and the Rights of Parliament. The following article is based on testimony in that committee on October 17, and November 7, 2001. For the full transcript of proceedings see <http://www.parl.gc.ca/>.*

**Senator Sharon Carstairs (Leader of the Government):** On October 4, I advised the Senate that the Governor General had given her consent to our consideration of this bill. The Canadian government does not believe that Bill S-34 will have any repercussions on the royal prerogative or interest. The provisions of the bill are procedural in nature and will not change Royal Assent as such in any way.

The Bill stipulates that Royal Assent granted by the Governor General to a bill passed by the Senate and House could be signified either with a Royal Assent ceremony in the Senate chamber or by a written declaration, but Royal Assent would take place during a parliamentary session in which both houses passed the bill.

The first appropriation bill presented for assent in any session would require the formal customary ceremony, given the important and symbolic nature of supply bills.

In clause 3 there is a provision for a declaration of Royal Assent in the traditional way that would take place on at least one occasion in each calendar year. (See Editor's note).

Each House of Parliament shall be notified of a written declaration of Royal Assent by its respective Speaker or person acting as Speaker. When Royal Assent is given by means of a written declaration the act is deemed to be assented on the day on which the two houses have been notified of the declaration.

A written declaration of Royal Assent would not be a statutory instrument within the meaning of the *Statutory Instruments Act*. The definition of statutory instruments is intentionally broad. Anything that falls within it is subject to parliamentary review. Royal Assent in the form of a written declaration is not obviously intended to be subject to such a review.

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Finally, the Bill provides that no Royal Assent is invalid simply because clause 3 has not been complied with. This provision responds to concerns about the validity of any bills or Royal Assent declared during a year in which for some reason no ceremony was held. For example, if there was a prorogation prior to any Royal Assent ceremony happening and then Parliament was not recalled during that period of time, it would question the validity of the legislation.

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**Senator Jerahmiel Grafstein:** I have not been in favour of streamlining Royal Assent because of a very serious problem that I think inflicts the Senate, and that is its invisibility, its lack of credibility, its lack of public legitimacy and its lack of self-esteem. Whatever symbolic steps one can take to correct this deficit, are, to my mind, important. I think that we suffer from this deficit among ourselves in terms of our responsibilities as senators, but we are collaborators with the executive and with the Commons who wish that the Senate would disappear. We know that voices on the other side have called for the abolition of the Senate and that others have called for reform of the Senate.

I see this as a means of taking a ceremony that has fallen into a decrepit state because of its timing and turning it into a positive, not only for the Senate but for the public and those who do not understand the role of the Senate. In her speech in the Senate on October 4, 2001, Senator Carstairs said in part "a written declaration will reduce the burden that the ceremony places on the Governor General and the Supreme Court justices who act as her deputy."

*If you believe that the Royal Assent ceremony is a burden to the Governor General to fulfil one of her constitutional responsibilities, then I am whistling in the wind. The Governor General has only three constitutional responsibilities, and one of them is Royal Assent.*

*Senator Grafstein*

The history and the nature of Royal Assent in Australia is different because they do not have a problem of credibility in respect of their second institution, for many reasons. In England, they do not have a problem of credibility in respect of the House of Lords, for many different reasons. However, we have a severe problem of

credibility in respect of the Senate and the invisibility of the Senate.

I agree with the point about the inconvenient timing for the Governor General, for her representatives and for the Senate. However, rather than have the ceremony on a Thursday afternoon when people are preparing to return to their home ridings, there is no reason why it could not be held, say, on a Wednesday at one o'clock for 15 minutes immediately following the national caucus, when all the leaders and all the caucus members are here. It is an easy walk down the street before they go to lunch. In that way, the Governor General could more often than not attend.

That would do what is implicit to the nature of Royal Assent. It is not only meant to be a constitutional affirmation of the two Houses of Parliament – putting their work into law – but it is also meant to show the public that there are parliamentarians at work.

People do not even know how the law is made. Any element or symbol that we can take to demonstrate to the public, via television, that this is the rule of law, this is how it is made and this is the content of that particular rule of law, to my mind, is an important vacuum to be filled to reduce public ignorance.

This ceremony is a tremendous way to show the public our "commander in-chief" coming across Parliament Hill to the Senate building, three or four times each year, for 15 minutes. I do not think that is a burden. It is an opportunity to present herself, as she does so gracefully and magnificently, to the chamber. This would attract the appropriate public attention.

You could use that example to educate the public on television about the bills that we pass. One would hope that it might even draw attention to some of the senators about the content of the bills that we have voted for.

It is not a question of inconvenience; rather, it is a question of how to take an important historical and constitutional practice and modernize it to create a positive image as opposed to a negative image.

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**John Aimers, (Dominion Chairman, Monarchist League of Canada):** We see some fundamental problems with Bill S-34. Above all, we see it as an unimaginative proposal that prejudices a very distinctly Canadian procedure that has evolved in respect of Royal Assent. Its only improvement is to efficiency. By the same logic, I suppose, diplomats' letters of credence, which Her Excellency spends countless hours receiving from each ambassador and each high commissioner personally at Rideau Hall, could be sent to her by post and responded to similarly. Extensions of that logic would lead us to say

that we could present honours in Canada through the post or we could have members of Parliament and other officials take oaths in private or subscribe to them in documents that would be sent to the clerk's office.

It relegates the role of the Queen in Parliament to the secretary at Rideau Hall. It hides a procedure that has evolved in Canada. It dismisses the potent importance of symbols and manual acts in our Constitution and our understanding of who we are as Canadians. Above all, it misses an enormous opportunity for creative minds in Parliament, at Government House and elsewhere to rekindle pride, education, shared celebration, achievement, reconciliation and dignity.

Perhaps even more important than all or any of those it is a reminder to us all that there are other sources of authority in Canada, in both a legal and moral sense, than one might believe from the steady accretion of power we have seen in the political executive, particularly centred in the office of the Prime Minister, which has been evolving over decades.

*This bill seeks to fix by statute what imagination and a lively respect for a knowledge of our institutions could better amend and improve.*

*John Aimers*

At a time when, thanks to the work of organizations as varied as the CBC, Historica and the Dominion Institute, the pendulum is swinging and we are all developing a greater consciousness of Canadian history and Canadian traditions, a knowledge of Canada based not on emotion and flag waving – as satisfying as those practices are from time to time – but on history, facts, information and a greater understanding of our Constitution and our institutions.

This bill flies in the face of the considerable progress that is being made in that dimension. It is more important that we retain some elements of the current Royal Assent ceremony and build on them in imaginative and creative ways, as we have evolved so many distinctly Canadian institutions out of those inherited from our British parliamentary forebears, because so seldom is the Queen seen performing constitutional acts in Canada.

We have recommended in our brief several improvements to existing practice. Giving Royal Assent on a regular basis should be a priority for the Governor General. The ceremony should be visible to the public, both represented in person and through the media. Indeed, one could meet the convenience of Parliament by having Royal Assent ceremonies regularly scheduled immedi-

ately after the national caucus meetings of the parties as suggested by Senator Grafstein. There would be wonderful symbolism in that. You would see occurring the division, partisanship and ferocity of feeling that is a natural and right part of parliamentary life, followed by all parties coming together in a ceremony that represents unity – the things that do not change, the things that are not subject to partisanship and rancour but, rather, represent the things upon which all Canadians agree – happening in the heart of Parliament. That would be the more important rather than the less important, convenience aside, as the physical premises of the House and the Senate are dispersed, come the reconstruction projects ahead.

Bill S-34 promotes the welfare of only the political elite, not of the realm, not of its institutions, not of our ability to adjust and refresh those institutions, not of the people of Canada, and not of our undoubted ability to reflect on the institutions that make us Canadian and that go to the heart of the legislative process, the culmination of that process guaranteeing that no majority could ever abuse its power in a constitutional sense.

It is ironic that we have this discussion yet again as we head into Jubilee Year, 2002 when we will all join in celebrating 50 years of a remarkable woman's reign. Whether you are a monarchist, a republican or indifferent, we can all agree that, in 50 years and more of public life, the Queen has never put her convenience first, second or anywhere on the agenda. She is a creature of and a slave to duty. The Queen has never sought convenience. I would argue that this bill seeks convenience but, in so doing, it threatens the many positive initiatives that this body and others who hold the levers of power in Ottawa which could cause Royal Assent to be improved, without accomplishing anything positive but, rather, prejudicing, threatening the public's visible appreciation and our own daily recollection that all political power in Canada is lent, that it does not exist by right in anyone's hands.

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**Professor David Smith, (University of Saskatchewan):**

Even someone like myself, who had a reason to investigate the procedure of Royal Assent, experienced difficulty in collecting information at the time I was doing my research. Students of Canadian government would be hard pressed to find a textbook that discusses the subject in anything but a passing way.

Is this lacuna an argument for change in the procedure currently used in the Canadian Parliament? It probably is, but in what direction? Is it to make it more or less visible as an essential part of the making of law?



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Proponents of change advocate an alternative method for declaring Royal Assent. The essential element of traditional procedure is that it is personal. Assent is granted by a Justice of the Supreme Court of Canada acting as Deputy Governor General. The essential element of the alternative procedure proposed in Bill S-34 is that it is impersonal; assent may be signified by a written declaration.

The arguments for change have been rehearsed many times and need no repetition here. For simplicity's sake, they fall into one of two categories. First, there are those arguments associated with the promotion of efficiency, broadly defined, that is, the timing of the traditional ceremony of Royal Assent is said to be inconvenient, the attendance sparse, and that it imposes an extra burden on the judges. Generally, it is said that the declaration of Royal Assent needs to be both more expeditious and more practical.

The second set of arguments are those that might be described as flowing from some theoretical conclusions about the status quo, that is, the present ceremony of Royal Assent is described as perfunctory, routine, a formality empty of meaning and the attitude it engenders is one of indifference.

There is a third category of argument that might be called the influence of comparative example. No one else with a political system like Canada's provides for Royal Assent in this way. Britain ceased in 1967, although the sovereign had not given Royal Assent in person for over a century. Assent had been communicated to Parliament by Royal Commission. While the practice of Royal Commission is still possible, the common procedure is for the Queen to sign Letters Patent giving Royal Assent, and this Royal Assent being notified to each House of Parliament.

**What purpose is being served by change? One person's technicality can be another's principle. Inefficiency lies in the eye of the beholder.**

*Professor Smith*

In Australia, Royal Assent has always been granted by a written declaration. As an observation, the influence of comparative example is debatable. Long ago, in another context, Sir Joseph Pope, the biographer of John A. Macdonald, said that the Australian example is no example at all. Certainly, if precedent is to be entertained, then another Australian constitutional provision, section 62, might be cited. It provides that there shall be a federal executive council, equivalent to our Privy Council, to ad-

vice the Governor General. Australian custom is that the council usually comprises the Governor General and two or three ministers or parliamentary secretaries. That has not been the case in this country for well over a century. If you are to argue by example, you cannot be too selective.

Perhaps because of our colonial background, Canadians have long been disposed to measure themselves politically against others, such as France, Britain and the United States. Whatever the reason and whatever the subject, Senate reform or an entrenched Bill of Rights, there is a disinclination to see the Canadian Constitution and institutions as distinctively Canadian. Yet, the Canadian Crown and the Canadian practice in regard to the Crown should be determinative in the matter of Royal Assent.

In the matter of Royal Assent, the committee has before it three alternatives. The first is to retain the status quo, that is, the Deputy Governor General in the presence of senators and members of Parliament periodically, but not regularly, signifying assent.

The second is to opt for the change set out in Bill S-34. That change provides for an alternative signification of assent by written declaration, along with a guaranteed minimum number of occasions when Royal Assent would be declared in the manner in which it now occurs.

The third is to support Senator Grafstein's amendments. These provide, *inter alia*, for the presence of the Prime Minister or Deputy Prime Minister at the ceremony of Royal Assent in the Senate, for the presence of the Governor General in person, except in exceptional circumstances, for a scheduled Royal Assent ceremony when both Houses are sitting, and for provision of a written declaration of Royal Assent, but only in exceptional circumstances and not more than twice in a calendar year.

Let me comment on these alternatives. First, the status quo is viewed as unsuitable by proponents of the other alternatives either because it is deemed a formality and, therefore, dispensable; or because, in its current guise, it depreciates the significance of the occasion, which is the coming together literally of the three branches of government. As W.P.M. Kennedy, the great constitutional scholar, once described it, it is the conclusion of "the building up of law through various readings and detailed discussion in committee."

Second, Bill S-34 is viewed by critics as unsuitable because, despite retaining the personal ceremony of Royal Assent, the alternative procedure of written declaration will, they believe, become the norm. When people say, as some have in this debate, that the requirement for a minimal number of personal Royal Assent ceremonies in Bill S-34 will "make that ceremony into something even more special than it currently is," they put the reference

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in the wrong place. The point about personal Royal Assent, say the critics of Bill S-34, is not that it is special, but that it is not special. It is the routine rather than the rarity of personal Royal Assent that needs to be emphasized.

The Crown is not an ornament but the core of Canada's parliamentary democracy. In and through Parliament, it embodies the values that unite Canadians.

The time of Royal Assent is when the Queen-in-Parliament makes law. Then the representative of the Crown personifies the nation; the Senate embodies the federal principle; and the Commons represents the people through their representatives. One may dispute the description of the parts, but not the parts themselves, nor their inclusion in a manner visible to all.

Senator Grafstein's proposed amendment speaks to these multiple dimensions of the Royal Assent ceremony. I said earlier that comparative examples should be treated with caution. Nevertheless, they cannot be ignored. If Britain and Australia, with whom Canada shares so much politically, do not feel the need for personal Royal Assent, why is Canada different?

The answer, I believe, has to do with the place of Parliament in each political system. In Australia, Parliament is subordinate to the constituent power of the people revealed in the elected Senate and in an amending formula

in which the people are the determinative power. In Britain, popular sovereignty, or as the Royal Commission on the Reform of the House of Lords described it, "the ultimate repository of democratic authority" is the House of Commons.

Monarchy is immensely important in the British Constitution, but its importance is different from that in Canada. Canada is a federation composed of provinces but possessing two official languages, official multicultural and an emerging Aboriginal dimension. Parliament functioning, in all its parts, reminds Canadians of the fundamental structure of their Constitution.

One of the recurrent criticisms heard about the operation of the Canadian government is that the general public interest fails to be expressed. The Royal Assent ceremony affirms that it is expressed more completely than Bill S-34 would allow, for that proposal would submerge both the Governor General and the Senate.

While ceremony will not change perception if it conflicts with political reality, at least it does not confirm, as Bill S-34 would, the marginalization of both the national and the federal component of the Constitution in favour of the party political.

**Editor's Note:** The Standing Committee on Rules, Procedures and the Rights of Parliament chaired by Senator Jack Austin studied Bill S-34 and reported it back to the Senate on March 5, 2002 with amendments and observations. A preamble was added and the Bill was amended to provide that the present form of Royal Assent be carried out at least twice in each calendar year, including the first appropriation bill. At third reading an amendment was introduced by Senator Graftstein providing that when Royal Assent is granted by written declaration it may be witnessed by more than one member from each House of Parliament. With these changes the Bill was adopted by the Senate on March 19 and sent to the House of Commons the following day.

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# *New Realities at the Canadian-American Border*

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by Perrin Beatty

*The September 11, 2001 terrorist attacks against the United States brought traffic at the border to a screeching halt and Canada's economy grinding to a standstill. In the immediate aftermath of the attacks lineups stretching to 12 miles and delays of up to 18 hours were the norm at the 49th parallel. Traffic volumes fell significantly, some Canadian plants were forced to temporarily reduce or stop production, consumer and investor confidence declined sharply. This article looks at what Canadian industry has done to overcome the challenges posed by new realities at the Canada-U.S. border. It also examines the larger issue of how to best define Canada's place, as a sovereign nation, within an increasingly integrated North American economy?*

**A** million dollars of trade takes place between Canada and the United States every minute—\$1.7 billion a day—and there are 200 million border crossings a year. To put it in perspective, the U.S. does more two-way trade across the Ambassador Bridge between Windsor and Detroit than it does with any other country. We sell more of our industrial output—63%—to the United States than we consume at home, making Canada our own second-largest market. In total, the Americans buy about 83% of our exports of goods and services, amounting to 38% of our GDP. We are also increasingly dependent on the U.S. for our imports. Over 72% of the goods and services we import, amounting to 30% of our GDP, come from the United States. What is more, the U.S. is Canada's primary source of foreign investment. It accounts for 64% of foreign direct

investment here and 58% of total foreign investment stocks in this country.

Canadian prosperity clearly depends on our trading relationship with the United States. Canada-U.S. trade is the source of hundreds of thousands of Canadian jobs, and secure access to the U.S. market is a key factor in attracting vital foreign investment. In turn, that relationship depends on the efficient flow of goods and people across our common border.

Border efficiency is a bottom-line issue for business. Time is money, and border delays represent major costs. Those costs are mounting as more companies adopt just-in-time production and delivery systems that result in less inventory at the business site and a greater reliance on the truck, boat, plane or train as the inventory warehouse. If the border becomes a barrier to the efficient movement of goods and people, it will choke off our exports and stem the flow of foreign direct investment into Canada. Our standard of living will fall dramatically.

Following September 11<sup>th</sup> the Canadian business community moved swiftly to ensure the free flow of commerce between Canada and the United States. Our goal was not to return to border conditions as they were before the attacks but to improve them. Steady and dra-

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*Perrin Beatty is President and CEO of the Canadian Manufacturers & Exporters. He is a former Member of Parliament and Minister. This is a revised version of an address to the National Press Club of Canada Economic News Luncheon sponsored by the Certified General Accountants Association of Canada held on February 26, 2002. This article is based on a much longer study to be published by the Brookings Institution in Washington D.C.*

matic increases in cross-border traffic, combined with benign neglect on the part of governments, had chipped away at border efficiency over the years, causing serious problems. A study at one of Canada's busiest border crossings, Fort Erie, Ontario, completed before September 11<sup>th</sup> estimated that transportation delays at that crossing alone were already costing shippers \$2.5 million a day.

The Canadian Manufacturers and Exporters Association whose members account for 75% of Canada's manufacturing output and 90% of its exports, has been working for years to resolve border problems. For example, we helped lead the development of Customs Self-Assessment and CANPASS, and formed a joint working group on border issues with the U.S. National Association of Manufacturers.

We spearheaded the formation of a broad coalition of business associations and individual companies. Through it, over 50 major business associations and key individual companies are helping the federal government deal successfully with border and security issues, performing a key consultative and advisory role.

The Coalition for Secure and Trade-Efficient Borders was quick to recognize that the events of September 11<sup>th</sup> imposed a new paradigm on border management, one in which security and trade facilitation are mutually reinforcing priorities. Our first report outlined a set of principles for an integrated approach to the security of Canada and the United States which aimed to remove pressure from the Canada-U.S. border by improving Canada's ability to ensure security domestically. We proposed a risk-based border management approach that would enable low-risk travellers and goods to move efficiently while focussing resources on high-risk travellers and cargo.

A shared Canada-U.S. approach to managing our borders comprises three lines of security—offshore interception, first point of arrival, and the Canada-U.S. border. By expanding its intelligence capacity, and working cooperatively with its international partners, Canada can take steps to stop high-risk travellers from getting here in the first place. People and cargo arriving in Canada, including those passing through on their way to the United States, must be properly assessed and dealt with to ensure, to the extent possible, that they pose no threat to either country. Meanwhile, the Canada-U.S. border can be made smarter by moving as much processing away from the 49<sup>th</sup> parallel as possible.

Building on those principles, the Coalition's second report presented an integrated plan of action to fundamentally change the way our borders are managed, and set forth a detailed set of recommendations.

The December 2001 federal budget and the joint announcement of the Canada-U.S. Smart Border Declaration and its 30-point action plan signalled acceptance of the Coalition's principles and its specific recommendations. Furthermore, nobody has challenged us on the substance of our principles or recommendations, and there has been very positive reaction on the American side as well.

*I cannot recall any other instance, during my 21 years as a Member of Parliament and Cabinet Minister, where business came together in such immediate solidarity on a critical issue, and where the federal government responded so swiftly to its concerns.*

We are encouraged by the government's response, and optimistic the measures announced to date could go a long way towards resolving problems at the 49<sup>th</sup> parallel. But we cannot afford to be complacent. The sense of crisis may have diminished but the crisis itself is far from over. Commercial cross-border flows have broadly normalized since the terrorist attacks, but at lower levels of economic activity. Passenger traffic is still down significantly from previous levels, and when it returns to normal, there will be further delays unless measures are taken now to avert them. The participation of business, represented by the Coalition for Secure and Trade-Efficient Borders, will therefore continue to be important during the critical implementation phase, when the government seeks to transform its announcements into concrete actions.

### **Sovereignty and Integration**

While government works with business and with the American administration on the nuts and bolts of Canada-U.S. border improvements, the attention of the Canadian public has shifted to the broader issue of North American economic integration. As we try to keep the door open to cross-border trade, we have started to ask ourselves: how wide are we prepared to open it? This question is something of a Pandora's box. The challenge is to determine how we can manage our economic and policy relationships with the United States, and with Mexico, in a way that ensures continued economic growth in this country, and at the same time guarantees Canadians the ability to shape our own economic, social and cultural futures.

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***How the Canada-U.S. border is managed can either facilitate North American integration or serve as an obstacle to it.***

Integration is already a fact of life for the Canadian economy, and has for some time been a critical aspect of the strategic planning and the competitive realities of Canadian business. Canada has been undergoing a process of economic integration that has accelerated rapidly since 1989, when the *Canada-U.S. Free Trade Agreement* came into effect.

Free trade has opened tremendous market opportunities for Canadian businesses across North America. It has also opened the Canadian market to intense competition that continues to drive down prices and requires Canadian companies to restructure to remain profitable and to secure competitive advantage in a larger marketplace. That restructuring has entailed measures to cut overhead and reduce unit production costs, and investments in new and higher-value products and services, as well as outward investment and the widespread consolidation of business activities and organizations across North America.

Much of the economic integration that has taken place is informal, so Canadians in general may not be aware of the degree to which Canada's economy has already become integrated within North America.

Few companies today produce a variety of products to be sold only on the Canadian market. Most manufacturers—large and small alike—produce a limited number of products and sell those goods across North America. Many of the largest ones are also importing goods from the United States and distributing them across Canada. About 60% of Canada's two-way trade with the U.S. is intracorporate—flows of goods and services across the border but within the same company. More and more, business and financing decisions are being made on a North American basis—and are being paid for in U.S. dollars. In larger companies, investment and senior management decisions are more frequently being made in the United States. And companies in Canada are competing for product mandates, investments, and skilled personnel with other companies, or other divisions, south of the border.

Where formal integration has taken place, the process has been piecemeal and pragmatic. The widespread support for improved cooperation in managing Canada's borders with the United States since September 11<sup>th</sup> reflects that pragmatism: the economic well-being of Can-

ada required it, and Canadians saw little that threatened their sovereignty in the measures proposed to achieve it.

But before committing to further formal integration which goes beyond the borders, Canadians must deal with a variety of issues, some of which have little to do with integration itself. Chief among them is our traditional fear of economic, political and cultural domination—the most contentious issue for Canadians by far is sovereignty.

Ottawa has yet to define a blueprint for the country's relationship with Mexico that extends beyond economics, and political fears have prevented it from promoting closer cultural, diplomatic or military alignment with the United States. Without a clear vision for the future of the North American partnership, Canada must respond to external events and other countries' agendas. It is still undecided about participation in National Missile Defense, and the Canadian dollar's continuing weakness has incited debate about whether adopting the American currency is either desirable or inevitable.

This is new ground for all of us. While the European Union is sometimes suggested as a model, the European philosophy of union differs greatly from North America's approach. Increased political integration has been an explicit goal of the European exercise from the outset, while the *Canada-U.S. Free Trade Agreement* and NAFTA were proposed as a means to increase trade without jeopardizing political independence.

Just as Canadians have tended to define themselves as a people by what we are not—by focusing almost exclusively on our differences from our southern neighbours—the question of what constitutes integration is often answered in the negative. Rather than defining the parameters of closer ties between Canada, the U.S. and Mexico, the Canadian response is generally confined to what the relationship should not be—not a customs or monetary union, not a North American EU, not a junior defence partner, not a 51<sup>st</sup> state. But we cannot map out future directions solely in terms of where we do not want to go.

The events of September 11<sup>th</sup> have forced Canadians to reexamine whether it is possible to pick and choose when it will be engaged with its southern neighbour. The post-September 11<sup>th</sup> border crisis forced immediate decisions about a common strategy of border management. It was clear that the United States would fortify its perimeter approaches: the issue for Canada was whether it wanted to be inside that perimeter or outside. For the vast majority of Canadians, the decision was straightforward.

The need for Canada to decide what role it wants to play in North America has gained urgency since September 11<sup>th</sup>. Without a clear vision of how it wants to engage

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its neighbours, the country will be forced to react to events, instead of driving them.

If Canada does not know what it wants, it is unlikely to get it. When the relationship is determined through a series of disconnected negotiations, the country bargains from weakness. That shortcoming is also reflected in the domestic debate, with opponents scrutinizing every proposal in terms of the cost to Canadian sovereignty, instead of measuring it against the benefits achieved.

The bolder and more rewarding strategy would be to develop a coherent vision of how Canadians can participate fully in a North American community and to enter the discussions as a demandeur, and not as a reluctant respondent. Each country brings unequal assets to the table, but Canada's successes with NORAD, free trade and, most recently, the Canada-U.S. border, demonstrate that the country can succeed when it knows what it wants and enters into the relationship as a full and willing partner.

***North America is a continent in transition. It will be impossible to sit out the changes, so the wiser policy is to anticipate and direct them.***

Canada's greatest successes—in trade, in war, in diplomacy and in culture—come from its engagement with the rest of the world. Canadian sovereignty assumes its fullest meaning when Canada sets the course, but when the country lacks vision, it can only follow where others lead. The political challenge is to move beyond defining the country in terms of what it is not, and to offer a confident and compelling picture of what Canada's role in the world can be.

Whatever form a North American partnership takes, the defining feature will continue to be the massive size and power of the United States. A relationship with the

world's only remaining military and economic superpower is, by definition, a marriage of unequals. However, no attempt to create a continental community can succeed unless each country feels it is a full participant and is seen by its partners in that light. The political and cultural differences between countries must be respected, or the price of participating will be too high.

A new round of negotiations can break down barriers that continue to distort investment and trade, and drive up costs to consumers. Despite participating in the world's most important trading relationship, Canadian business frequently finds itself subjected to trade obstacles that are more the product of politics than economics.

There are many unfinished issues from the FTA and NAFTA, including anti-dumping, countervailing duties, agriculture, and softwood lumber. Integration cannot move forward without mechanisms both parties will consider impartial and fair. The political and economic dominance of the U.S., combined with inter-jurisdictional problems within Canada, makes developing such institutions particularly challenging. In addition, it is critical to design such institutions with a view to ultimately including Mexico.

Finding the appropriate balance between autonomy and integration will not be easy, but a properly structured agreement can benefit all three countries. The primary driver will continue to be economic, building on the success of NAFTA, whose potential for growth remains untapped.

As we continue to take positive action on Canada-U.S. border issues and deal with the ongoing economic effects of the events of September 11<sup>th</sup>, we must take up the broader challenge of carving out a new place for Canada within the North American economy.

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# The Liberal Women's Caucus

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by Jackie F.P. Steele

*Caucus meetings by nature are exclusive to elected Members of Parliament. In certain circumstances, staff are allowed access to provide a supportive role, but the private nature of Caucus is critical. It provides Members an opportunity to exchange views and offer frank assessments of events, policies and party dynamics behind closed doors. Little public documentation is available and records of proceedings are maintained for internal purposes alone, if they are kept at all. This article examines the Liberal Women's Caucus and the interaction of its members within the larger parliamentary community. The author concludes that the Liberal Women's Caucus has exerted significant influence in ensuring that policies and practices friendly to women are increasingly adopted on Parliament Hill.*

Since its founding in 1993, the Liberal Women's Caucus has been open to all female Liberal Parliamentarians from both the House and Senate side.<sup>1</sup> At National Caucus, Carolyn Bennett, Caucus Chair during the time this study was initiated, has repeatedly extended an invitation to all of her Liberal colleagues to join their meetings, however, only one male MP took the initiative to participate regularly in the Liberal Women's Caucus and become a member.

The active members of the caucus have ebbed and flowed according to the issues being tackled at any given time, and the other competing responsibilities of the women Parliamentarians. The caucus is recognized as an official organ of the Party structure, reporting to National Caucus weekly, holding a seat on the National Executive, and working in collaboration with other organizations such as the Liberal Women's Commission and the Judy LaMarsh Fund. It meets in a private room of the Parliamentary Restaurant on Wednesdays between 12:00-1:30pm, which is the timeslot immediately following National Caucus which all Liberals are expected to

attend. As with other Caucuses, a nominal Caucus fee is contributed by active members, however, all of the Liberal women and one man considered a part of the Women's Caucus receive the information about Caucus meetings and activities. The range of Caucus meetings within the Liberal Party are coordinated through the office of the National Caucus Chair who ensures that each of the respective schedules of caucus meetings is respected by Liberal members; concurrent meetings are rarely allowed. In this way, all Caucuses are able to draw from a broader membership and function more successfully.

Of the 62 female and 1 male (Irwin Cotler) MPs and Senators who are members of Liberal Women's Caucus, most established the average attendance at weekly meetings as ranging between 15 and 25 individuals. A core group of women attend every week, but there is also a fluid exchange of members who attend somewhat less regularly. The focus of my research was upon the women who do attend the LWC, and the value they place upon the group, and that of its role within the larger parliamentary process as evidenced in their responses to my interview questions. Not all Caucus members were interviewed, nor did I attempt to interview the 30+ women who were unable or chose not to attend Caucus regularly. There are a myriad reasons why all 62 women do not attend the LWC each week. Aside from the more ob-

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*Jackie Steele was a parliamentary intern for 2000-2001. This article is an abridged version of a study awarded the Alf Hale prize as the best essay by a parliamentary intern. The article is based on interviews, a questionnaire and observations including attendance at the Liberal Women's caucus over a five-month period in 2001.*

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vious time restrictions upon participation such as meetings with representatives of important constituencies, hosting a school group or member from one's riding who are in Ottawa, and generally fulfilling the other competing obligations of the average Parliamentarian, some Caucus members interviewed noted that not all Liberal women identify with the feminist policy goals of the Caucus, and that some who have never in fact attended have a misconstrued vision of the work that goes on. Moreover, it has been noted that some of the women on the Hill fail to see the systemic barriers to women that exist; they do not see the need for the Caucus, and simply prefer to ally themselves with their male colleagues and have therefore refrained from playing an active part in the Caucus.

### **A Personal Support Network for Women**

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Parliament is still regarded as one of the last remaining bastions of male culture in Canadian institutions. The atmosphere in the Gothic Centre Block remains that of an old-fashioned men's club in which women are interlopers.<sup>2</sup> As one female MP remarked following the election, "the Brashiest of the class of '93 are busy learning how to play in the big leagues; feminism is not a big agenda item for me. I want visible power".

A survey by the Inter-Parliamentary Union noted that many women in politics had commented on the slow pace of change in attitudes and practices despite the presence of women in their respective institutions. They noted the dominance of what was perceived as masculine behaviour, and talked of becoming like their male counterparts, fearing the adornment of the "male mask", abuse of power by male and female colleagues and the failure of other women to provide support.<sup>3</sup> While one would think that this is more problematic in newer democracies or in parliaments with only a few token women, Sue Barnes noted that approximately half of the Liberal women in the House and Senate do not attend Women's Caucus. She explained, "some women think that they will get ahead faster if they act like mini-men and so choose to not align themselves with other women, and the Caucus itself. Caucus is not about personal gain." Despite the numerous responsibilities that may make it difficult for women to attend Caucus, given the competitive context, the presence of a group that can provide collegiality and emotional support for women who are forced to work within the constraints of this political culture is critical. Veteran parliamentarian Sheila Finestone asserted that the most important aspect of the LWC is the sense of belonging and network in a cold and unfriendly environment, and the sense of trust and collaboration towards common goals. Marlene Catterall

echoes this, saying that the Caucus is a place "where I can be totally and brutally honest ... I feel I can say what I feel and think". International human rights lawyer Irwin Cotler, also noted that he enjoyed the fellowship and friendship among members, and found it to be a great opportunity to discuss the gendered dimensions of public policy and politics in an informal yet organized setting.

The current Parliament has the most women ever with 62 Members of Parliament, or 20.6% of the legislators. The past three Parliaments have brought important increases in the number of women on the Hill, but personal accounts suggest that more women are still needed to bring systemic change to the political culture of the institution. In a 1999 speech on women's participation in the 21<sup>st</sup> century, Shabbir Cheema of the United Nations Development Programme sets 30% as the breaking point for critical mass to effectuate significant changes to the political climate.<sup>4</sup> It seems that the perspectives change depending on one's personal experiences with the institution in question. As Mary Clancy stated following the 1993 election, "there are now thirty-six women among the 178 Liberal MPs. We went over the top, from tokenism to a voluble force."

Sydney Sharp asserts that women have learned to use subversive tactics to increase their influence beyond their numbers.<sup>5</sup> The founding of the Liberal Women's Caucus in 1993 was one such way that women sought to organize themselves so that they could support one another in this unwelcoming environment, and use it as a base from which to pursue their roles on the Hill. Such a network would work to ensure that the women could survive the personal strains of political life on Parliament Hill, allowing a significant mass of women to build and increase with each election, bringing renewed energy for the job, and a commitment to mentor the newer women on the Hill.

### **A Professional Support Network**

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The Liberal Women's Caucus also serves as a professional support network for the women in at least three ways:

- it strives to distribute key positions held by the Liberal Party to women parliamentarians,
- it attempts to reform Liberal Party regulations to help break down the barriers to women pursuing elected office,
- it promotes gender equality through symbolic and practical action.

Over the years, the Liberal Women's Caucus has worked collectively to lobby for more gender parity on important committees such as Justice and Finance, re-



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sulting in equal numbers of women and men being placed on the Justice Committee, and an extra woman being added to the Finance Committee.

The Liberal Women's Caucus has also lobbied to have more women in the Liberal spots for delegations abroad, assuring that all-party delegations, or Ministerial trips abroad include female parliamentarians as well. For positions that are elected, and not appointed, the Caucus has worked "subversively" as a collective to stack certain Parliamentary Groups to ensure that they would have a voting mass for the female candidate, be it Carolyn Parrish as Chair of the Canada-NATO Friendship Group, or Sue Barnes as Chair of the Commonwealth Parliamentary Association.

Caucus support can sometimes be perceived as a double edged sword. Whether or not these candidates solicited support from the Women's Caucus and were elected strictly as a result of the support from Women's Caucus is not always clear. Carolyn Parrish asserts that she won the Chair as a result of the experience she gained from working with the Group for five years, and that for every female vote in her favour, she had approximately 6 male votes. She discounts the fact that she was elected because she had the Caucus' support, and feels that it is a dangerous card to play and may have worked against her for some voters. She states, "I tend to be cautious because it can be turned against us and they outnumber us." She resented the statement made at National Caucus that implied that her success was due to support from the Women's Caucus.

A different example of the united support from within the Liberal National Caucus and its impact is the effective collegiality that worked to promote the candidacy of Jane Stewart for National Caucus Chair in 1994. When she mentioned to the Caucus that she was considering running for National Caucus Chair, there was resounding enthusiasm among Members to promote her candidacy. This promotion campaign included lobbying other members to vote for their candidate, and even influencing other candidates that they would not stand a chance in the face of Women's Caucus support. As Mary Clancy jokingly remarked, "I told my friend Ron MacDonald that I would break his kneecaps if he ran against her. She won the Chair uncontested."

In an adversarial context, it should not come as a surprise to anyone that a considerable degree of lobbying takes place. Consequently, it comes as no surprise that the LWC functions as a lobby within the Liberal Party. It is a forum that provides emotional and concrete support for women that is not provided by any other group on the Hill. Arguably, in a charged political arena where regional, linguistic, internal leadership squabbles are ongoing, the balance of power is constantly shifting.

Gender, among other factors, all comes into play, but it is difficult to ascribe any given success to one group in particular. However, while the Caucus may not be the only reason for the success of different women in gaining important positions, certainly their concerted effort and commitment to back strong female candidates who are considering certain positions can only help. Since one function of the LWC is to lobby, the danger exists that a backlash against female candidates will emerge. It is important to strike a balance; obviously the LWC tactics have met with an important degree of success, and female and male colleagues would do well to understand its organizing power. However, rather than openly reaffirming all of the Caucus victories, at times, keeping those gains under their hats has proven to be a more effective tactic to protect the long-term goals of the Caucus' lobbying strategy.

Another area in which the LWC has provided support for current and future Liberal Women Parliamentarians is that of campaign nominations. Beginning with a commitment to have increased numbers of female candidates running for the Liberal Party, Prime Minister Jean Chrétien vowed to have at least 25% female candidates. Despite calls from those opposed to affirmative action that the process was undemocratic, former Chair Carolyn Bennett pronounced in favour of the Liberal practice that allows the leader to appoint candidates. "May the best man win - I do not think cuts it these days", she said, recognizing that it is a temporary measure to be used until the numbers of women and visible minorities in Parliament are topped up. Clearly the small percentages present in Parliament, despite the numerical majority of women and the abundance of visible minorities in Canada, highlight to what extent it is still a difficult arena to penetrate.

In addition to the emotional stresses of participating in almost hostile competition, and the alternative pitfall of being a sacrificial lamb in an unwinnable riding, another of the recognized challenges that women face when pursuing a nomination for a given party is access to the networks of financial support that have traditionally been available to male candidates. As admitted by Sheila Finestone, "women politicians have a harder time fundraising simply because they don't have the links that men do", mentioning the "pool parties" that they held to raise \$20,000 for 12 female candidates who ran in Quebec. Lobbying on behalf of Women's Caucus, Carolyn Bennett worked towards changes in the spending allowances within Liberal Party nomination campaigns.<sup>6</sup> Promoting the recommendations of the Lortie Commission on electoral reform, the Women's Caucus realized a partial victory at the Liberal Party's Biennial Convention in May 2000 with the adoption of a resolution to curb the

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nomination campaign spending and limit the amounts to be spent on nomination campaigns. The committee set the limit at 50% of the expenditures allowed for the election campaign. This failed to constitute the significant reduction upon possible spending that the Caucus had hoped to initiate in order to level the playing field for female candidates who traditionally have more difficulty securing financial backers. Finally, in a speech to the House of Commons' Procedure and House Affairs Committee regarding Bill C-2 his Election reform bill, Don Boudria suggested that the law include financial incentives for parties that field women. Although this provision was not included in the final version of Bill C-2, one positive change to improve accessibility for professional women (and men) when proposing their candidacy was in Section 80 which states that every employer to whom Part III of the *Canada Labour Code* applies shall, on application, grant any such employee leave of absence, with or without pay, to seek nomination as a candidate.<sup>7</sup>

Ensuring the inclusion of women in important committees, positions and delegations seems obvious, and yet the reality on Parliament Hill was such that the LWC still needed to remind those making the decisions that it was a factor that needed more systematic attention. In an environment where factoring in regional and linguistic concerns is assumed, the Liberal Women's Caucus has been there to highlight a new demographic that requires systematic inclusion if the government of Canada is to equitably reflect the gendered make-up of Canadian society among its ranks in its Committees, its Friendship Groups and its delegations abroad. In turn, this kind of professional advancement has assured that the women who do get elected can pursue gratifying careers, and are not marginalized from the various rewards systems that give MPs a range of interesting outlets for their energies, be it travel with a delegation, stewardship of a Friendship Group, or work on a challenging and often male-dominated committee. Despite the personal and family stresses that women in particular must balance as Parliamentarians, if the women develop a sense of achievement and gratification from their roles on the Hill, they will be more likely to run for re-election. This will enhance the retention rate of women in the House of Commons, and build towards a critical mass that will ultimately transform the political culture permanently. This personal and professional support, combined with the changes in the Liberal Party nomination regulations is working to build a strong turn-out of Canadian women who wish to enter elite politics, and whose numbers will continue to force the reevaluation of systemic barriers to women's participation in Canadian politics in numbers equal to men.

The LWC has also worked to raise awareness among male colleagues about the importance of issues affecting women through celebrations such as International Women's Day. In order to raise awareness among her male colleagues, when Paddy Torsney was Chair she initiated a celebration of International Women's Day that focused the parliamentary discussions on women, and featured almost exclusively women in the House from the Speaker, to the pages and the MPs who spoke to a variety of issues important to women and their communities. The caucus sought to improve the situation of women on the Hill through the pursuit of a very basic amenity: a women's washroom within close proximity to the Chamber. One month after the House opened, the closest women's washroom was closed for renovations and so women were forced to trek their way up three floors mid-debate to find one. The Speaker agreed to solve the washroom problem, even if he had to build more facilities; thus the men's washroom next to the Office of the House Leader was renovated to create a women's washroom as well.

A symbolic achievement in recognizing women's role in Canadian politics occurred under Chair Jean Augustine with the adoption of the Famous Five Foundation's monument. Emily Murphy, Louise McKinney, Nellie McClung, Henrietta Muir Edwards and Irene Parlby are known as the Famous Five as a result of the historic 'Person's Case' they fought against the government of Canada so that women would be recognized as persons and become eligible for appointments to the Senate.<sup>8</sup> The Famous Five Foundation was created to promote the recognition of women's contributions to nation building, and consequently, President and CEO, Frances Wright, approached Women's Caucus to seek support for a sculpture of the Famous Five for Parliament Hill. This monument would become the first on Parliament Hill to effectively honour Canadian woman for their political participation and country-building efforts. Jean Augustine approached the Minister of Heritage Sheila Copps, the Minister for the Status of Women Hedy Fry, and the Minister for Public Works Alfonso Gagliano, to explore the possibility of bringing this monument to Parliament Hill. In December 1997, Ms. Augustine brought a motion in the House that passed with unanimous consent signaling an important commitment to the implementation of the Famous Five on Parliament Hill. This Monument was unveiled in October 2000.

### **A Feminist Policy Generator**

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Perhaps the most important role of the Liberal Women's Caucus is that of policy development. In the words of Carolyn Bennett, the main goal of the Women's Caucus is

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to ensure that the spectrum of voices at the table include the perspective of women Members of Parliament and a feminist perspective of the policy process of government through inclusive decision-making that incorporates the views of feminist women and men.

Party discipline, stronger in Canada than in most countries, makes it extremely difficult for women to introduce gender issues. Lisa Young notes that female MPs often find themselves negotiating space for gender concerns within the constraints of both partisanship and regionalism. The LWC has established a niche for itself and has gained the ability to represent the voices and concerns of the feminist majority of women to Cabinet and to its colleagues. The first Liberal Women's Caucus under Paddy Torsney, invited each Cabinet member to appear before Caucus to discuss the purview of their department's responsibilities, programs and initiatives, and how they were impacting on women. Over the years, this format has become the focus of Women's Caucus and has been one of the most useful ways in which they have been able to impact on policy directions pursued by the Liberal government. All Caucus Members noted the rise in attendance when Ministers were scheduled to come before Caucus, as these meetings provided the ideal opportunity for backbench MPs to raise important issues with the Minister directly, and the improved access to Ministers was understood to be significantly superior to that achieved by an MP who attempts to gain access to a Minister. For example, between January and June 2001, the LWC welcomed 11 different Ministers, the Prime Minister's Social Policy Advisor, the Scientific Director for the CHIR Institute for Gender and Health, and two Justice Officials.<sup>9</sup> Reflecting on the interaction between Minister Robillard and Women's Caucus concerning the events surrounding the government's decision on pay equity, a staffer noted that the Minister wanted to appear before women's caucus to inform them of the recent developments, the court's decision, and to listen to the opinions and concerns of the women present. Carolyn Bennett reflected that they had lost the first round on pay equity by failing to convince the government not to appeal. However, after extensive informal discussions and lobbying of those concerned, when an appeal decision was to be made the second time around, the government acquiesced and did not appeal Judge Evan's decision of October 19<sup>th</sup>, 1999.

The security of having Women's Caucus on-side, or at least knowing of the concerns and objections that the Women's Caucus has towards a Minister's piece of legislation gives valuable feedback to the Minister. It is an important way for the government to build solidarity around an issue and avoid embarrassing controversies if certain members, or significant portions of Caucus who

are of a particular demographic have problems with the bill. Moreover, appearing before Caucus to discuss new areas of concern gives the Ministers a heads-up so that the final legislation is reflective of the views of Women's Caucus, and will have an equitable impact on Canadian men and women.

The following examples illustrate different ways in which the Liberal Women's Caucus has successfully impacted on public policy decisions.

The importance Ministers place upon the support of the Liberal Women's Caucus is indicated by appearances of Allan Rock and Paul Martin before Caucus in the lead-up to two key policy initiatives. Minister Rock was scheduled to address the Caucus on April 25<sup>th</sup>, 2001 to discuss his draft legislation on Human Assisted Reproduction. His briefing of and discussions with the LWC occurred before briefings to full Cabinet and briefings to National Caucus, demarking his own concern with hearing the feedback of women on this sensitive issue so as to ensure that his latter briefings would fully include the concerns of this important internal constituency. A second example is Mr. Martin's appearance before Caucus on May 3<sup>rd</sup>, 2001 for a pre-budgetary consultation to hear the women's priorities and concerns. Due to the fact that Mr. Martin did not have enough time to deal with all the issues raised, he asked if he could return in the coming weeks to complete the dialogue. He returned to Caucus on June 6<sup>th</sup>, 2001 to finish the discussion and respond to several questions that had been submitted to him in advance of the meeting. In the words of a Martin staffer, "he always meets with them during the pre-budget consultation period, and considers their input vital to the budget process. Not only do they contribute numerous initiatives of their own, the Caucus represents an important venue for the Minister to sound out initiatives under consideration by the Department in the lead-up to the budget."

Another way in which women's caucus has been a strong policy generator is in issues that are perceived as being gender-neutral, and that have consequently required deconstruction to expose the disproportionate impacts on women. Women's Caucus is not always the lead on such issues, but their work in tandem with other Caucuses has demonstrated the effective impact of double-teaming. Carolyn Parrish commented that she felt Women's Caucus was most effective when it challenged issues that were not necessarily female-related, but that required a female perspective; joining with other caucuses on key areas adds an extra voice to the Reports at National Caucus and gives the issue at hand more visibility. This collaboration happens among other Caucuses as well and is not unique to Women's Caucus.

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In policy areas affecting women, however, having the LWC focus on a given issue raises its profile and increases its chances of being included on the Cabinet's agenda. One example repeatedly mentioned by Caucus Members was the work done by Bonnie Brown as lead on seniors' pensions. Mr. Martin's 1994 Budget announced a year of program review in order to make cutbacks in the right areas. The senior's benefits program fell under review and changes to an income-progressive senior's benefit based on family-income was to be initiated. Being alarmed by this change, Ms. Brown signaled to Social Policy Chair Reg Alcock the need for a Sub-Committee on Pensions. As Chair of this new Sub-Committee on Pensions, Ms. Brown worked with social policy researcher Paul Genest, as well as an economist to look at the changes proposed by Minister Martin on seniors' pensions and how they would impact on women. A Report by the Sub-Committee that was submitted to Minister Martin illuminated how the new benefits calculation process would strip women pensioner's independent status in its return to a family-based system, and expressed grave concerns about this policy shift since women had long since established that they should be considered as individuals independent of their conjugal spouses. This slowed down policy changes in Minister Martin's department in 1995 and more time was taken to look at the issue. Due to the close collaboration and overlap of Women's Caucus Members and Social Policy Members, Marlene Catterall became aware of the pensions issue and raised it as a priority for Women's Caucus to pursue. A small group of Women's Caucus Members focused their efforts on this issue. The Caucus requested a gender-based analysis from Mr. Martin on this initiative and invited him to Women's Caucus to discuss the legitimacy of the policy shift and its moving forward. The combination of the concerted efforts of the Social Policy Caucus, its unanimous Report to the Minister, and the pressures from Women's Caucus resulted in the abandoning of a policy change in the calculation of senior's benefits.

An example in which the Liberal Women's Caucus was forced to flex its collective muscle was in the area of women's health. With her commitment to promote women's health through the feminist model of inclusive decision-making and horizontal structure, Carolyn Bennett was not about to see women excluded from a new spending initiative on health research in Canada. After the independent Commission studying the Institutes of Health initiative tabled its report without any mention of an Institute to specifically study Gender and Health, the LWC moved into action. Paul Genest was invited before Caucus as the policy person for Mr. Rock's office to discuss the Health Institutes initiative. Caucus

registered its outright protest at the Commission's failure to specify two institutes of vital concern to Women's Caucus: one that would focus on Gender and Health and one that would focus on Aboriginal Health. The Caucus wrote to the new governing councils and met with Alan Bernstein following a meeting with the Chair of the Canadian Health Institute for Research (CHIR) to lobby for a change in their decision. The political strong-arming that the Caucus pursued is reflected in Marlene Catterall's comment when she says, "we told Minister Rock's policy advisor to direct this 'independent body' to include an Institute for Gender and Health." Clearly, when key issues of concern to the Women's Caucus such as Women's and Aboriginal Health are blatantly excluded from a new program or spending initiative, the Caucus has shown its ability and willingness to flex its muscles and seek the correction of that exclusion. Maintaining their ties to the CHIR Institute of Gender and Health that resulted, the Liberal Women's Caucus welcomed Scientific Director Miriam Stewart as the guest speaker on February 22<sup>nd</sup>, 2001 to speak of the Institute's plans, and to invite the caucus to participate in a brainstorming meeting to generate key areas upon which the Institute would focus its attention.

A final policy area in which Women's Caucus has taken the lead and produced slow, yet incremental change that will fundamentally transform public policy is in the implementation of the Federal Plan for Gender Equality. This Plan was a commitment made at Beijing +5, the Special Session hosted by the United Nations five years after the Fourth World Conference on Women in Beijing of 1995, and had as its goal the adoption and promotion of public policy initiatives that are informed by Gender-Based Analysis. The Liberal government has been slow to fully implement this commitment despite its successful re-election in 1997 and more recently in 2000.

Caucus Members began to raise a series of questions when Ministers appeared before Standing Committees on Estimates since the implementation costs of GBA should be showing up in the departmental audits, providing concrete measures of which departments are honouring the federal government's commitment.

Using a different tactic to promote the GBA implementation strategy more directly, this issue was raised by Women's Caucus during the last two visits of Mr. Martin before Caucus. In an attempt to receive concrete answers on key policy areas, the Women's Caucus submitted a list of questions to the Minister so that he could prepare responses for his second appearance. Highlighting the points raised in Lisa Philipps' paper, *Women, Taxes and Social Programs*, and Armine Yalnizan's *Canada's Great Divide*, the Caucus questioned the Minister on the

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long-term implications of the government's budgets, raised a point of contention surrounding the funding of post-secondary education of aboriginal youth, and provided information that affirmed the disproportionately negative impact of tax cuts on women. Mr. Martin acknowledged the premise of the document, *Canada's Great Divide* and recognized an increasing gap of income prior to taxes and transfers. He agreed with the literature that cutting taxes does not help non-tax filers, and concurred that tax cuts need to be accompanied by social programs. More specifically, he revealed that the Department of Finance does not look at gender, but rather targets families and low-income Canadians without any gender lens. He demonstrated that he was open to continuing the discussion of gender-based analysis with Women's Caucus.<sup>9</sup>

### Conclusion

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Within the framework of the Liberal Women's Caucus, a core group of 10-25 women is working strategically, tactically, and some would argue subversively, to ensure that the realities of Canadian women are reflected in government policies, and to demand that the faces of Canadian women are represented in the bodies that generate those policies, and in the delegations that present them abroad.

The networking process of Women's Caucus enables them to strategize as a group and then fan out as separate individuals. This collaborative approach turns their individual energy into momentum toward specific goals for women's rights and is what makes the Caucus effective. The successes they see achieved through Women's Caucus act to counterbalance the personal and professional stresses of life on the Hill, and encourage them to have faith in their ability to achieve a female-friendly institution by influencing the maze of departments, the party structures, and the political culture itself.

Caucus has also shown that backbench MPs can indeed hold sway within National Caucus and consequently within Cabinet, if they work in the strategic ways

of the Liberal Women's Caucus. This provocative group has been instrumental in its representation of Canadian women's experiences to government, and in its promotion of women politicians on the Hill. Their use of cooperative tactics to realize key outcomes has enabled the Liberal Women's Caucus to carve out its niche as a networking circle that promotes Liberal Women on Parliament Hill, and as an internal feminist policy watchdog that promotes the interests of Canadian women and equality-seeking men alike.

### Notes

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1. Manon Tremblay, *Des femmes au Parlement: une stratégie féministe?*, les Éditions du remue-ménage, Montréal, 1999, p. 162. Manon Tremblay notes that during the 35<sup>th</sup> Parliament, the Liberal Women's Caucus was not open to men. The current LWC is open to all Liberal parliamentarians, male and female, be they backbenchers, chairs of committees, parliamentary secretaries, or even members of Cabinet.
2. Charlotte Gray, "House-breaking: fifty-three women MPs are fighting the relentlessly male culture of the Hill", p. 4, [www.web2.infotrac.galegroup.com/itw/infomark/734/229/30533151w3/purl=rc1\\_CPI\\_0\\_L9](http://www.web2.infotrac.galegroup.com/itw/infomark/734/229/30533151w3/purl=rc1_CPI_0_L9), accessed 30/03/2001
3. Politics: Women's Insight, Analysis of the IPU survey by Dr. Marilyn Waring et al, 2000, p. 106.
4. Shabbir Cheema, Speech given at a meeting on Women and Political Participation: 21<sup>st</sup> Century Challenges, New Delhi, India, United Nations Development Programme: Management, Development and Governance Division, [magnet.undp.org/Docs/Gender/Speechsc.doc.html](http://magnet.undp.org/Docs/Gender/Speechsc.doc.html)
5. Sydney Sharpe, *The Gilded Ghetto: Women and Political Power in Canada*, 1994, p. 220.
6. Taber, Jane, "Making politics easier for Liberal women", *The Ottawa Citizen*, March 13, 2000.
7. Bill C-2, Section 80.
8. Famous Five Foundation website, <http://www.famous5.org/html/famous5.html>, accessed 09/01/02.
9. Summary of the National Women's Caucus 237<sup>th</sup> Parliamentary Session, Liberal Research Branch, pp. 1-4.

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# *Prism: The House of Commons Integrated Technology Project*

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by Audrey O'Brien

*The publishing of parliamentary documents began years ago and has evolved with different technologies including pen and paper, typewriters, word processors, computers, off set printers, laser printers, and now the Internet. Legislatures are now looking to technology for more sophisticated means of managing and disseminating their information. Recent technological advances and the emergence of standards that enable the re-use and exchange of information in many different formats have made it possible to rethink the entire process for capturing and organizing information found in the parliamentary documents, while continuing to provide the traditional paper publications. At the House of Commons, the result has been creation of a new integrated technology system called Prism to replace nine stand alone systems. Prism creates a shared database environment that allows employees to capture information once, at the source, eliminating duplicate data entry and increasing the consistency and integrity of the information across parliamentary publications. This article describes the launch of the Prism Project in September 2001.*

**O**n September 17, 2001, Hansard staff sat down in front of their computer screens and formally signed onto the Prism system for the first time. As each Member of Parliament rose to speak, the time along with the details about who was speaking and what item of business was under consideration was entered into the new system. Using this log of the day's events as a series of electronic hooks, staff in the Parliamentary Publications Directorate of Information Services and the Translation Bureau at Public Works and Government Services Canada created Hansard and its translation by attaching pieces of text to the skeleton data.

The launch faced the added challenge of a late-night sitting since the House decided to hold a special evening debate on terrorism. Yet despite the midnight adjourn-

ment, the first Prism edition of Hansard rolled off the House of Commons presses before the House met again the next morning. To the Members who found copies of Hansard awaiting them when they returned to work the next day, there was little immediate evidence of the change. But Prism will eventually yield some exciting improvements in the way that both Members and the public access and retrieve information about what goes on in the House and in Committees.

Prism is not an acronym, but a name meant to evoke the image of a spectrum of information – information about Members, about the House and its committees, about their debates and decisions. It is also the name for the sophisticated environment that has been built to sustain well into the 21<sup>st</sup> century the record-keeping activities of the Commons and its committees. To date, this new environment is supporting the work of approximately 300 employees and is the primary means of producing not only the daily Hansard, but also the Journals, the Order and Notice Paper, and all committee evidence.

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In the year ahead, more committee publications will be added to the list of Prism products and the total number of users will exceed 500.

***The concept of linking all the information associated with a Member's participation in debate, from the moment he or she rises to speak, is at the heart of Prism.***

The new environment will create an indispensable archive of structured information that will allow users to find and retrieve the details of debate and decision-making in the House and in committee. Whereas in the past, the House's record-keeping systems were designed primarily around the demands of publishing, Prism generates the traditional documents as by-products of a database that is focussed on capturing information at the most granular level possible so that it can be presented in many different ways and so respond to the full range of needs of those who follow parliament.

Prism tracks a bill's progress through the legislative process as a series of events: it begins with the submission of a notice for the *Notice Paper*; continues through first and second readings cataloguing the speeches in the House and testimony and interventions in committee;

the tabling of the committee's report; debate at the report stage, if any, and eventually the passage of the bill at third reading. In the future, a list of these events can be published to a web page for each bill, with links to the relevant extracts of the publications, giving users a huge advantage over the present scenario whereby they themselves must take the time to find and follow the applicable entries in the various publications.

Similarly, users will be able to find all events associated with a particular Member of Parliament, creating a comprehensive index of all his or her interventions in Commons and committee proceedings.

The launch of Prism is an important milestone in meeting the House of Commons commitment to improving information resources for Members. In June 2000, the Board of Internal Economy agreed to spend almost \$9 million on the Prism program over a two-year period. The program's primary goal for those two years was to replace the aging technology that supported the publishing of the parliamentary documents. Prism increases the House's ability to integrate emerging technologies in the areas of voice and video, data exchange, the web and information management.

Due to the mission-critical nature of the systems being replaced, it was necessary to provide assurances to Members that the ability to deliver the publications and other services would not be put at risk during this move for-



**Officials who attended the launch of Prism from l-r: Michel J. Cardinal, of the Translation Bureau; Louis J.R. Bard, Chief Information Officer of the House of Commons; Audrey O'Brien, Deputy Clerk of the House of Commons; and Christine Trauttmansdorff, Deputy Principal Clerk of the House of Commons. (Photo by André Marion)**

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ward. The program's commitment was therefore to make the development and deployment as invisible as possible. It was agreed that the first priority was the creation of a solid and reliable foundation for the future, and that more visible improvements to the information management environment at the House would be made as part of a second phase of the program.

The first phase of Prism has been a major project for the House of Commons. The application had to be designed and built to meet the operational needs of more than 15 groups of employees, each of which plays a distinct and crucial role in supporting the work of the House of Commons. Extensive testing and training had to be conducted during breaks in the parliamentary calendar, so as not to interfere with regular production schedules.

The launch of Prism was not, however, the first time that the House has embarked on an ambitious project. The publication of *House of Commons Procedure and Practice 2000* in February was the culmination of another massive project that required combing through decades of records and documents to reconstruct from primary sources the events of the past in order that their significance could be substantiated and set down as a guide for the future. The editors of *House of Commons Procedure and Practice* – Robert Marleau and Camille Montpetit – retired shortly after the book's publication, leaving a significant portion of the institution's collective memory safely stored between its covers.

By investing in Prism, the House has sought to ensure that as it moves forward, the institution is able to capture and classify more key parliamentary information at its source. Not only will this serve the day-to-day needs of Members of Parliament and other users of the parliamentary websites, but also when it comes time to prepare a second edition of Marleau-Montpetit, Prism will provide an exhaustive catalogue of all the business of the Chamber and its committees.

The development of Prism has also provided an extraordinary opportunity for procedural clerks to capture the intricacies of the unique classification systems they use to record procedural events, as well as the standards of phrasing and terminology adhered to in preparing en-

tries for the Journals and the *Order Paper* and *Notice Paper*. By creating an application that has the capacity to store this type of information, as well as the flexibility to adapt as parliamentary procedure continues to evolve, the House of Commons has dramatically reduced the risk that this knowledge could be lost and has ensured that each new generation of clerks is well-equipped to do their work.

*Prism has a great potential for safeguarding the raw material of the organization's institutional memory. The knowledge and experience that the House of Commons staff draws on every day to support the work of the Members of Parliament constitute assets that cannot be valued or replaced.*

Members of Parliament in Canada, like their counterparts around the world, are examining the ways that technology and electronic communications can enhance the role of elected representatives, improve their working methods, and encourage more productive interaction between elected assemblies and their electorates. The Prism program puts the House of Commons at the forefront of legislative assemblies around the world in the way it manages, publishes and disseminates its core information.

Discussions about the relationships between parliaments and other institutions (whether government, NGO or civil society) often raise expectations around concepts of e-democracy and e-parliament. No one can predict where the evolution of parliamentary government will take us or what the term citizen engagement will eventually come to mean. In the meantime, however, the Canadian House of Commons hopes that the Prism program will provide the foundation that will allow it to respond strategically to these new imperatives.



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# The Indian Act: An Historical Perspective

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by John F. Leslie

*In 2001 the Minister of Aboriginal Affairs, Robert Nault, announced that the government would be introducing legislation to overhaul the Indian Act. In anticipation of this legislation in February 2002, the House of Commons Standing Committee on Aboriginal Affairs began hearing from various witnesses on issues relating to the Act. For the sake of simplicity, this article uses the term "Indian" throughout. The Constitution states that Canada's Aboriginal Peoples are Indians, Métis and Inuit, but the Indian Act does not apply to Métis and the 1951 Indian Act specifically excludes Inuit from its operation.*

**T**he *Indian Act* is a complex piece of legislation that has evolved in scope, content, and sophistication since about the mid-19<sup>th</sup> century. The philosophical principles and practices of Indian policy are reflected in the legislation of the period. A couple of points should be kept in mind.

Historically, Indian policy and legislation was devised largely without Indian consent or participation. The 1951 Indian Act was an exception. A more recent example of lack of meaningful consultation was, of course, the 1969 white paper. Both Indian policy and *Indian Act* legislation were developed by members of the dominant society, and they reflected the views and values of that society in regard to the proper place and role of aboriginal people. There was this constant, lingering Indian question in Canada.

## Historical Origins of Indian Policy and Administration

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The key historical document in terms of gaining an understanding of the evolution of Canadian Indian policy and legislation was the *Royal Proclamation* of 1763. The

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*Royal Proclamation* set down a policy and procedure for the Crown to acquire, in an orderly fashion, Indian hunting grounds. The *Royal Proclamation* also affirmed the first major principle of British Indian policy: that Indian people on Indian lands were to be protected from unscrupulous land speculators and traders. Indeed, the land cession treaty system of present-day Ontario and western Canada can be traced back to the *Royal Proclamation*.

Officials of the Indian Department which was founded in 1755 were expected to be custodians of the imperial policy of Indian protection, and were instructed to oversee and manage the acquisition of Indian lands required for European settlement. This role was expanded after 1830.

The traditional roles of Indian people in early colonial society were to act as middlemen in the fur trade and to assist regular armed forces in times of war. These activities were carried out with distinction during both the French and British regimes. In these traditional functions, Indian people shared, to a degree, in decision-making, devising trade practices, and planning military operations.

However, following the end of the War of 1812, the traditional roles for Indian people in colonial society declined rapidly. British and Canadian policy-makers were faced with determining a new role and place for Indians

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in colonial society. Instead of abandoning Indian people to face the harsh, new political and economic realities, the first principle of Indian policy, that of Indian protection, was reasserted. The new approach was simple and direct: place Indian people temporarily on reserved lands – convert them to Christianity, dress them in European clothes, and teach them to become self-sustaining British citizens by becoming productive farmers.

Policy-makers of the day were optimistic that the process of Indian assimilation would be rapid. Indian people per se would disappear through intermarriage and other processes, as would their lands, the reserves. In the beginning, there was no obvious need for protective Indian legislation.

### **The Pre-Confederation Legacy**

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The Indian civilization program, which was launched in 1830, was based on three philosophical principles: Indian protection, based on the *Royal Proclamation*; improvement of Indian living conditions; and Indian assimilation into the dominant society. The new policy had three systemic cornerstones: a system of land cession treaties, which we see in Upper Canada, which is now Ontario and western Canada; a system of Indian reserves and supervisory Indian agents; and a system of schools to educate Indians, first at day and industrial schools, and later at residential schools.

Between 1830 and 1858, there were six government investigations of Indian policy and the new administrative arrangements. The cumulative investigations sanctioned the Indian civilization program and, in essence, created an institutional memory for Indian Affairs policy-makers that, in subsequent decades, informed their attitudes towards Indian people and Indian issues. Interestingly, as early as the 1840s, these government investigations recognized that Indian policy and administrative practices were too paternalistic, but no other arrangements were broached or deemed viable. Officials were satisfied with the *status quo*.

The first piece of legislation to protect Indian reserves was passed in Upper Canada in 1839, and what it did was basically include Indian lands in with crown lands. There was no separate distinction. But by mid-century, 1850, government officials realized that the transformation of Indian people into productive farmers was not proceeding as rapidly as expected. Rapid settlement and commercial development, particularly in Canada West – which would become Ontario – necessitated some more elaborate legislative protection for Indian people and their lands.

This protection came in 1850, when the Province of Canada, which at that time comprised Ontario and Que-

bec, passed two pieces of legislation to protect Indian reserve lands and property. The legislation that applied to Canada East – which became Quebec – is noteworthy because a four-point definition of who constituted an Indian in government eyes was provided for the first time. In the legislation for Canada West, section 4 of the act established the practice that no taxes would be levied on Indian people living on reserve lands.

By the late 1850s, Indian policy-makers were becoming impatient with the slow progress of Indian assimilation. As a consequence, in 1857, *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians*, was proclaimed. This legislation set down a policy and procedure whereby all legal distinctions between Indian people and non-natives would be removed under certain conditions. This act was clarified further in 1859 and 1860. As well, in 1859, the 1850 legislation to protect Indian lands was strengthened, with numerous penalty clauses and additional authority for those officials enforcing the legislation.

In 1858, British officials notified their Canadian counterparts that they were no longer interested in financing Indian administration. As a result, responsibility for the evolving system of Indian legislation, a growing administrative apparatus, and increased expenditures, was formally turned over to the Province of Canada in 1860. In effect, Canada was now on its own.

### **Confederation**

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So what were the main features of Indian policy, administration, and legislation, at Confederation in 1867? First, as in colonial times, Indian administration was deemed too sensitive a policy field to be left to the various provinces. It was going to be a federal responsibility. Protection of Indian people and Indian lands became a federal responsibility under section 91, class 24, of the *British North America Act*.

Second, the new federal government, largely made up of officials from the Province of Canada, looked no further than the pre-Confederation Indian policy and administrative arrangements and applied the three systems of treaties, reserves, and Indian education across the Dominion, with regional variations to meet local circumstances and conditions.

Third, after 1873, Indian Affairs became a branch of the Department of the Interior and remained under the jurisdiction of the minister – who, in 1880, was Sir John A. Macdonald – until 1936, a period of some 63 years.

In the decades after Confederation – in fact, I would argue it was until 1940 – the policy, administrative, and legislative framework for dealing with Indian people and

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Indian issues, as established in colonial times, became the basic model for a more elaborate and comprehensive federal approach. Remarkably, however, the philosophical assumptions behind Indian policy and Indian legislation were not questioned, nor was the viability of the land cession treaty systems, the reserves, and education.

In 1876, the Indian Affairs branch consolidated all the existing pre-Confederation legislation, with some modifications, into one consolidated *Indian Act*, meaning that the first consolidated Indian Act came in 1876. It is interesting to note that the *Indian Act* actually came after some of the treaties. The western treaties that were negotiated, Treaty No. 1 through Treaty No. 6, 1871 to 1876, preceded the *Indian Act*. Many Indian people in western Canada say the relationship is not with the *Indian Act*, it is with the treaties, because the act came after the treaties.

The first post-Confederation *Indian Act* was comprehensive. It contained a hundred sections, it touched on all aspects of Indian reserve life, and it directed government administration. For example, various sections dealt with who was an Indian; what constituted an Indian band; what was an Indian reserve; how Indian reserve lands could be subdivided via location tickets; what legal protections would be given to reserves; and how reserves could be surrendered. There were also rules for the management and sale of minerals and timber; procedures for the disposition of Indian moneys; enumerated powers for the chiefs and band councils; band election procedures; specific Indian privileges – for example, “no taxation” was repeated; disabilities and penalties; and procedures for Indian enfranchisement – that is, for loss of Indian status.

The 1876 *Indian Act* was modified and tightened in 1880. The major provisions of this act remained in place until 1927, despite some thirty amendments when the *Indian Act* was finally revised. In 1884, *An Act for conferring certain privileges on the more advanced Bands of the Indians of Canada, with the view of training them for the exercise of municipal powers* – that is the actual title of it – was passed by Parliament. This legislation became known as the *Indian Advancement Act*, and its focus was mainly on the bands of eastern Canada. The measures were designed to promote municipal-style government for the more advanced Indian groups, such as the Six Nations at Brantford.

In spite of the official optimism, events were not progressing as politicians and officials had hoped, particularly in the west. Old Indian ways persisted. The policy of Indian assimilation was not showing tangible results. In the view of government officials, a relatively effortless way of dealing with the apparent lack of progress was to revise the *Indian Act* to give more powers to local Indian agents and to heavily penalize Indian people for persist-

ing in the old ways. For example, in the 1880s, Indian agents acquired additional powers as justices of the peace in order to prosecute Indians. In April 1884, the *Indian Act* was amended by section 3, which placed a ban on dances and traditional ceremonies. In 1894, section 11 gave the Minister of Indian Affairs the power to direct industrial or residential schools, and made school attendance compulsory, with strict truancy penalties. And in 1927, a section 141 was inserted into the act, banning the pursuit of land claims.

To get some idea of the state of official thinking on Indian policy in the early decades of the 20<sup>th</sup> century, one need not go further than quoting Deputy Superintendent-General Duncan Campbell Scott in his remarks to the 1920 Special Committee of the House of Commons examining the *Indian Act* amendments of 1920, when he spoke about new legislative measures for compulsory enfranchisement of Indians:

Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the object of this Bill.

Despite the intentions of policy-makers, Indian peoples did not disappear. Quite the contrary. By the 1930s, Indian agents and missionaries noted a significant increase in the native population. With government cutbacks during the Great Depression and with more Indians crowded on reserve lands, living conditions on reserves became increasingly unbearable. There seemed to be no ready solution to the long-standing Indian question. In fact, Indian branch officials did not know precisely how many Indians there were in Canada, because Indian band lists were maintained in a haphazard fashion by the local agents.

The plight of Canada’s Indian peoples became a matter of national concern at the close of World War II, when the House of Commons Special Committee on Reconstruction and Re-establishment was struck. This committee was charged with looking into the nature of Canadian society after the war. In this period of national accounting, Indian reserve conditions and Indian policy and administration came under sustained public scrutiny for the first time since before Confederation.

Between 1946 and 1948, a special joint committee of the Senate and House of Commons examined the operation of the *Indian Act* and Indian administration. Witnesses were called, including government officials, select native groups, and interested parties.

Three years of committee hearings produced significant policy and administrative recommendations. For example, the special joint committee came up with its own *Indian Act*, and this became known as the “Commit-

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tee's Bill". The committee proposed that Indian people receive the federal vote, which they had once possessed in the 1880s but had lost on technical grounds. The committee suggested that an Indian claims commission be established to deal with long-standing grievances that were impeding Indian participation in Canadian society. The committee felt the minister had too many discretionary powers and that these should be reduced in a new act. The committee argued that Indian bands should be able to develop their own charters or constitutions for self-government – and that is the term they used back in the 1940s, "self-government" – and that the bands should be allowed to incorporate and hold title to reserve lands. Finally, the long-standing policy goal of Indian assimilation was modified by the committee hearings, to one supporting Indian integration.

From 1948 to 1950, government officials considered the special joint committee's proposals and rejected most of them: the federal vote, the claims commission, and the notion of Indian band constitutions and incorporation. In June 1950, revised *Indian Act* legislation was presented to the House of Commons. It was soon withdrawn because Indian people and their supporters claimed they had not been formally consulted. A revised bill was reintroduced in the fall of 1950 and was reviewed by select Indian leaders in a five-day session in Ottawa in the winter of 1951. A new *Indian Act*, the one currently in force, was proclaimed in September 1951.

### The 1951 *Indian Act*

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The revised *Indian Act* of 1951 was not a radical departure from earlier versions. It essentially tidied up and removed conflicting sections. In many ways, it was an exercise in legislative housekeeping. There were few significant departures. There was no claims commission, and there was no federal vote for the Indians. The ban on dances and ceremonies was lifted, as was the ban on the pursuit of land claims. The discretionary powers of the minister were reduced in number, as were the number of penalty clauses against Indians. Chiefs and band councils received more powers to act as municipal-style governments – in particular, greater freedom to spend band revenues as they saw fit. And perhaps the most significant features of the revised act were a new legal definition of who was entitled to be an Indian, and the establishment at Indian branch headquarters of a central Indian registry.

In many respects, the need to specifically identify who was an Indian – at least in government eyes – and was thus entitled to receive government benefits such as mothers' allowances and old age pensions, was prompted by the advent of the post-war welfare state.

The passage of the revised *Indian Act* suggested to policy-makers that Indian administration had set out on a new and enlightened course for the 1950s.

The 1950s were relatively uneventful until the arrival of the John Diefenbaker Conservatives in 1957. Under the aegis of the Diefenbaker Government, there were several major initiatives. Between 1959 and 1961, a second joint committee of the Senate and the House of Commons reviewed Indian administration. A series of recommendations made in 1961 were actively pursued by the government, including establishing an Indian Claims Commission and carrying out *Indian Act* revisions.

In 1962, a bill to establish a claims commission was introduced in Parliament, but the measure died when the government was defeated in 1963. Similarly, the Diefenbaker cabinet was working on significant changes to the *Indian Act* in late 1962, including band incorporation and allowing women to keep their status even if they married non-Indians. However, these were not pursued due to the government's defeat.

Despite these failures, the Conservative government did introduce two significant legislative measures. In 1960, Indian people received the federal vote, and in 1961, section 112, concerning compulsory Indian enfranchisement provisions, was deleted from the *Indian Act*.

When Lester B. Pearson's Liberal Government came to power in 1963, Indian claims legislation was reintroduced in Parliament. The government also commissioned an in-depth study of Indian economic, educational, and political needs. This was the Hawthorn-Tremblay report, which presented a two-volume study to government in 1966-67. That report is noteworthy for introducing the notion of Indian people as "citizens plus", and it called upon the Department of Indian Affairs, which had been established as a stand-alone in 1966, to assume an advocacy role for Indian people within the federal bureaucracy.

The 91 Hawthorn proposals were under consideration when the government decided to launch a series of Indian consultation meetings across Canada to revise the *Indian Act*. The round of Indian consultations began in 1968 and continued until the spring of 1969. The consultation process revealed that Indian people wanted greater self-government; more funds for economic and social development; settlement of land claims; protection of treaty rights; and constitutional recognition of aboriginal rights.

The government response was the June 1969 Statement of the Government of Canada on Indian Policy, the infamous white paper. Instead of buying into the notion of Indians as "citizens plus" and settling land claims, the discussion paper called for an end to Indian status, which was viewed as discriminatory. The white paper also

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called for the termination of the operations of the Department of Indian Affairs, and revised legal status for Indian reserve lands. A commissioner of Indian claims was appointed to examine how Indian claims and treaty issues should be adjudicated.

In many ways, the 1969 white paper went right back to the 19<sup>th</sup> century. It was straight assimilation. The federal policy proposals caused a political uproar among Indian people and their supporters. The discussion paper was formally withdrawn in 1970, but it left a bitter legacy.

The Indian consultation process and the resulting white paper experience created a termination psychosis among Indian people and their political institutions. Did the federal government have a hidden Indian policy agenda? This unease has coloured Indian-government relations for many years, and has made both policy and legislative change difficult. Yet there were significant policy and legislative developments, many driven by Supreme Court decisions. Some are worth noting in a brief fashion.

For example, following the Calder decision in the 1970s, the federal government announced a set of specific and comprehensive land claims policies to deal with historic grievances. Later in the decade, the government thought it might be a good idea to get the National Indian Brotherhood and cabinet together in order to establish some sort of a joint committee that would look at policy

issues. This started around 1974 and lasted two or three years, but it produced no tangible results.

The 1980s were productive. The *Charter of Rights and Freedoms*, proclaimed in the early 1980s, had a section providing constitutional protection for treaty and aboriginal rights. Indeed, the *Royal Proclamation* of 1763 was deemed to be one of Canada's constitutional documents. In November 1983, the Special Parliamentary Committee on Indian Self-Government presented its findings and urged expanded powers for first nations governments, which in some instances would go beyond the traditional municipal model. Of course, in 1985, we then had Bill C-31, which was passed by Parliament to reinstate Indian women who had lost their status under paragraph 12(1)(b) of the 1951 *Indian Act*.

In the 1990s, of course, Indian Affairs announced a policy on the inherent right to self-government. There was also a royal commission appointed between 1991 and 1996, to investigate the condition of Canada's aboriginal peoples. And more recently, we have had the *First Nations Land Management Act*.

These initiatives and events are, of course, only highlights of the continuing efforts by the federal government – with varying degrees of provincial assistance – to improve living conditions on Indian reserves, which are still comparable to the fourth world in some instances. But after 247 years of formal Indian administration, we are still grappling with an Indian question in Canada.

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# Bicentennial of the Quebec National Assembly Library

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by Gaston Bernier

*Legislators regularly celebrate anniversaries of various types, such as the creation of legislative institutions, the establishment of the press gallery or of Hansard or the passage of the Act giving women the right to vote. This year, Quebec Members and administrators are being invited to commemorate the founding of the National Assembly Library.*

The establishment two hundred years ago of a library for elected and appointed parliamentarians is an event that warrants a historical review of the Library's staff, services, collections, techniques, financial resources and influence. Once the essential elements of the past decades have been established we will concentrate on presenting summarily the main activities that have already taken place and those yet to come.

## The Bicentennial in Perspective

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The origin of the Library of the National Assembly dates back to the very beginning of the 19<sup>th</sup> century. Its distant ancestor was created ten years after the first parliamentary institutions were founded on the shores of the St. Lawrence. More precisely, the Members established their first library on March 10, 1802. On that day, they appointed the members of a committee responsible for managing the books that had been received a few months earlier and for drafting the first rules respecting their use.

**BIBLIOTHÈQUE**  
1802-2002  
**ASSEMBLÉE NATIONALE**

Between 1792 and 1802, the Members and public servants of the Assembly had undoubtedly used the library of Quebec, a private library created by Governor Haldimand and situated in the same building as the Parliament. Since that time, the Library has experienced three fires (1849, 1854 and 1883), several relocations and an important partition in 1867. It has been in its current location since 1915, but, since the 1970s, a number of employees have occupied offices in peripheral buildings.

For over one hundred and twenty-five years, the Library was little more than a book depository. The services available were undifferentiated, and there was felt to be no real need for an organization chart. During this period, the librarian – and there have been some excellent ones – constituted the essential part of the Library and its services. At the end of the 1930s, the authorities established an information service, the forerunner of what is known today as the users' or reference service. The increase in the number of services and their specialization came about in the 1970s, with the exception of the opening of a bindery. During this decade, three divisions were created: an analysis or research service (which was detached from the Library in December 2000), a group dedicated to reconstituting the legislative debates that had been held between 1867 and 1962 and a section responsible for preparing and distributing topical files. Finally, the Hansard indexing programme and, more re-

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*Gaston Bernier is former Director of the Quebec National Assembly Library and coordinator of the Second Centenary.*

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cently, the management of the Assembly's administrative documents and in-house archives were attached to the Library. In the space of nearly two hundred years, the Library has gone from being an entity with ill-defined duties to an enterprise that furnishes specialized services and consists of distinct units having clear terms of reference.

The evolution of the rudimentary 19<sup>th</sup>-century library into the institution we know today has had a great influence on the number and the types of its employees. Before 1833, the Clerk was responsible for the collection of volumes placed at the disposal of parliamentarians. In 1833 and for the next few years Étienne Parent, the first titular librarian, took on this task. Beginning in 1867, poet and writer Pamphile Le May, librarian for 25 years, was assisted by two colleagues.

*At the beginning of the century (1903-1904), there were six employees (the director, his assistant, three clerks and a messenger), and fifty years later (1955-1956), there were some twenty permanent employees.*

Today, documentary services in the broadest sense of the term – identifying, acquiring, processing, storing and disseminating information, sometimes in the form of studies – employ 65 persons (to whom should be added trainees). One can thus easily understand that the services available have become rather specialized, a notion that was unthinkable in 1867, given the limited number of public servants then working at the Library and, also, at the Assembly in general.

The differentiation of services was inevitably followed by specialization on the part of the staff. Initially, it should be noted, those assigned to the Library were humanists and generalists, lovers of books and culture. Their contribution was nonetheless decisive. They assembled a core collection that to this day is the pride of the institution. Then came the library technicians and professionals (the first graduate in library science was recruited during the Quiet Revolution, the first technicians at the turn of the 1970s) and, more recently, in 1972, research officers specialized in political science, history, law, economics and geography.

The collections purchased or donated and conserved at the Library have also been streamlined, as it were. While pride of place was initially given to volumes concerning law and legislation (24% of the collection in 1841, according to data provided by Gilles Gallichan<sup>1</sup>, government publications and newspapers, a large peripheral

domain was occupied by literary works, genealogical indices and scientific or philosophical textbooks. In part, however, a shortage of space made it necessary to winnow the documentation. Furthermore, the needs of Members and of the population were changing. The means of communication and information multiplied; at the same time, the demand for statistical data grew increasingly to the detriment of works of philosophical reflection. Currently, the Assembly's documentary collection essentially satisfies the needs of the nation's representatives: It is an encyclopedic collection if we take into consideration the reference works and those on the open shelves; it is above all a social sciences collection (law, political science, economics, history, etc.) if we extend our perspective to include research papers and specialized journals, government publications in the broad sense and newspapers.

Throughout its history, the Library has relied on the tools and techniques in general use. The authorities of the Assembly, both political and administrative, have seen various types of catalogs (the first of these published in volume format beginning in 1811; the files, as such, established beginning in 1935; microfiches and now remotely accessible computerized files), various filing charge-out systems, the arrival of the telephone and facsimile telegraphy, photocopying machines, microfilms or microfiches and the required viewers and printers, computers and telematics.

The organization has evolved with the times. It has integrated the new techniques, which in turn have influenced its operations, brought down barriers and liberated it from the documentary autarchy that had been almost inevitable until then. Nowadays, the wealth of the Library's resources depends not only on the documentation it holds on the premises but also on that which can be consulted and used via the electronic library, which encompasses all of the documentation centres made accessible thanks to modern technology. A first concentric circle of this library without walls is exemplified by the computerized collective catalogue. It can be consulted by users at the National Assembly and which contains entries on the books, pamphlets, microfilms, microfiches, CD-ROMS and video cassettes kept within the Network of Quebec Government Libraries.

In retrospect, we can see that the documentation service placed at the disposal of the Members, their assistants and the parliamentary public servants has always been able to rely on adequate financial resources. Notwithstanding the remonstrances and paroxysms of its conservators (Le May at the end of the 19<sup>th</sup> century; Marquis in 1935), the Library has received a reasonable share of the appropriations granted to Parliament and, on certain occasions, additional sums (\$8,000 for the purchase

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of the Chauveau collection in 1892; \$3,000 for that of Judge Antoine Polette four years earlier, etc.). Year after year, the sums set aside for the Library in relation to the budget of the Assembly (excluding the Legislative Council) have hovered in the vicinity of 4%: close to 2.5% in 1877-78; 6.7% in 1892-93; 4% in 1918-19; 6.4% in 1979-80; 4.7% in 1999-2000, and 3.5 % in 2001-02 (the decrease is due for the most part to the detachment of the analysis or research operation).

The portion granted to documentary services in the broad sense of the term has decreased slightly in relative terms in the last thirty years owing to the appearance of new services within the legislative administration (visitors' services, Hansard, the televising and broadcasting of the debates, interparliamentary relations, research in parliamentary procedure). The real tragedy in all of this is not the relative scarcity of resources but the increasing cost of books and subscriptions, the high price of CD-ROMs and the increasing demand for external data banks. Accordingly, users must rely more and more with every passing day on external documentary resources: those of the administrative libraries, of the Bibliothèque nationale and of the university libraries.

It is to the credit of successive Speakers and of the higher-level administrators of the Assembly that the Library's influence has increased since the appointment of Étienne Parent and especially that of Pamphile Le May. But librarians have spared no means to ensure that this influence would be of benefit to the Legislature (as it was referred to at the time) and, now, the National Assembly. The eight library directors from 1867 to 2000 and their assistants have left their mark in the fields of literature (Le May), history and bibliography (Dionne, Myrand, Marquis, Doughty and Beaulieu) and law and documentation (Desjardins, Bonenfant, Prémont and Gérin-Lajoie). For close to a quarter of a century, the Library has published a large number of reference works (biographical inventories or dictionaries, compendia of election statistics, Hansard indices, summaries of Assembly proceedings prior to 1963, bibliographies, etc.), which, besides facilitating the work of parliamentary personnel, are used intensively by researchers and, often, by citizens. In this area the personnel of the Library contributes to the influence of the institution and to the dissemination of knowledge on the parliamentary system and on certain aspects of political life.

### **A Preview of the Second Centenary**

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The Library of the National Assembly is celebrating its two-hundredth anniversary in 2002. Certain events have taken place; others will take place in the coming months.

The following is a brief inventory of these activities, their desired objectives and their organization.

The commemoration programme will unfold primarily from March to October. The actual anniversary will be observed by means of activities of a formal nature. The opening ceremony took place on March 14. It was marked by unveiling a mosaic of the former library directors as well as two commemorative plaques offered to the Commission de la Capitale nationale: one to recall the establishment of the Library and the other to identify the home of the first person to take this institution into his charge, Clerk Samuel Phillips.

With regard to professional activities, among other things, the biennial meeting of the Association of Parliamentary Librarians in Canada (APLIC or ABPAC) will be held in September 2002. This meeting will be followed by a seminar on the history of parliamentary libraries in Quebec, Canada, Europe and New England. We also plan to organize three lunchtime conferences. The speakers will be a foreign parliamentary librarian; political figures, either currently in office or retired; and a historian. Since this March, an exhibition has been in progress concerning both those who have assumed responsibility for the Library and the contribution of those to whom they have been answerable, the Speakers of the Assembly.

The programme will continue throughout the anniversary year and no doubt into 2003. We plan to publish a volume on the history of the Library; an essay on the collection assembled between 1802 and 1849, the year of the first fire; a special issue of *Documentation et bibliothèques* devoted to parliamentary libraries, their history, their management, their operations, their collections, their readership and their future; an issue of the *Bulletin de la Bibliothèque* (published in March 2002); a testimonial composed of observations by contemporary and former readers; and, finally, a compendium of texts written by history students under the supervision of Gilles Gallichan.

The final aspect of the celebration encompasses social and promotional activities. A poster has been created showing the stained-glass window by Guido Nincheri that adorns the Library and depicts the perpetuity of science. "Open houses" are planned in June for parliamentarians and their assistants, for the families of employees and even for retirees and the administrative personnel in general.

Other undertakings are envisaged, including the publication of a dictionary on parliamentary institutions, the coining of a commemorative medal, a special issue of a historical press digest, the regrouping of all of the Library services under one address and the creation of a puzzle reproducing Nincheri's stained-glass window.



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The projects planned for this anniversary aim to underscore the vision and the spirit of openness of the Speakers and political leaders of both the 19<sup>th</sup> and 20<sup>th</sup> centuries; to intensify relationships with current and future parliamentarians and their assistants; to strengthen contacts with the public servants of the administrative secretariat; to pay homage to current documentary services personnel and their predecessors; and, finally, to emphasize links with library colleagues and other libraries within the formal or semi-official documentation networks.

### **Conclusion**

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The activities planned for the second centenary will above all bear the hallmark of the National Assembly itself. The undertakings proposed should, as a whole, leave a lasting impression and serve, if not as a springboard, at least as a step up for those yet to come. Moreover, they should signal the recent entry into the 21<sup>st</sup>

century and provide an orientation to guide the future evolution of documentary services for the nation's representatives, who view such an evolution as a pressing necessity.

The library, at the service of a specialized readership for close to two hundred years, has evolved at the pace of both the parent institution and the prevailing techniques and methods. It has benefitted from the generosity of the state yet remained in solidarity with it: The Library is, within the National Assembly, a service that involves itself in the core and substance of events, one that embodies the very memory of our institution and yet accepts the daily task of documentary research. This reality must endure and adapt to a changing context. It thus seems important to mark its two-hundredth anniversary.

### **Notes**

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1. *Livre et politique au Bas-Canada, 1741-1849*, Quebec: Septentrion, 1991, p. 374)



# CPA Activities: The Canadian Scene

## New Speaker in Quebec

On Tuesday, March 12, 2002, the National Assembly elected a new Speaker, **Louise Harel**, by secret ballot.

Born in Sainte-Thérèse-de-Blainville on April 22, 1946, Louise Harel obtained a Bachelor of Arts from the Sainte-Thérèse Seminary in 1967 and then studied sociology at the University of Montreal, where she also received a degree in law in 1977. She was called to the Quebec Bar in 1979.

She was vice-president of the Quebec general students' union in 1968 and a staff member in the national secretariat of the Parti Québécois from 1970 to 1971. From 1971 to 1974 she worked at the cooperatives service of the social development council of metropolitan Montreal, and from 1979 to 1981 she assumed responsibility for matters regarding the status of women at the Montreal social services centre.

Having been president of the Parti Québécois riding association for Montreal Centre from 1974 to 1979, she served as national vice-president of the party from 1979 to 1981.

Elected as the Member for the riding of Maisonneuve in 1981, Mrs. Harel became chairman of the Committee on Labour and the Economy during the 1984 parliamentary reform. Later in 1984 she was appointed Minister of Cultural

Communities and Immigration, and in 1985 she became the parliamentary assistant to the Minister of Justice.

After her reelection as the Member for Maisonneuve on December 2, 1985, she was elected vice-chairman of the Committee on Culture.

Reelected for a third term of office in 1989 as the Member for the riding of Hochelaga-Maisonneuve, she chaired the Committee on Education and acted as opposition critic for, in turn, manpower and income security, justice, and industry and trade. She was also designated as the Member responsible for the Montreal region within the Parti Québécois caucus. During this same period she chaired the Parti Québécois task force on Montréal and its region.

Reelected for a fourth time on September 12, 1994, Louise Harel became Minister of State for Concerted Action and Minister of Employment in the Parizeau government. In a Cabinet shuffle announced on November 3, 1995, she assumed in addition responsibility for the Ministry of Immigration and Cultural Communities.

On January 29, 1996, when **Lucien Bouchard** formed his new Cabinet, she became Minister of State for Employment and Solidarity, Minister of Income Security, Minister responsible for the Status of Women, and Minister responsible for Independent Community Action.

On March 6, 1998, she was named Minister responsible for the Centre-du-Québec region.

Reelected for a fifth term of office on November 30, 1998, Mrs. Harel



Hon. Louise Harel

was appointed Minister of State for Municipal Affairs and Greater Montreal and Minister responsible for Seniors on December 15. She also chaired the ministerial committee on regional and territorial affairs and that on the Montreal region.

Mrs. Harel is the 41<sup>st</sup> Speaker of the Assembly since Confederation in 1867 as well as the first woman to hold this office.



### Canadian Regional Council Meeting

The Council of the Canadian Region of the Commonwealth Parliamentary Association held its annual meeting in Ottawa on June 1, 2002. The Council consists of the Chair (usually the Speaker) of the CPA Branch in each federal, provincial and territorial assembly as well as the Regional Representatives to CPA.

The meeting was chaired by Speaker **Ken Kowalski** of Alberta. The main topic on the agenda related the 50<sup>th</sup> Commonwealth Parliamentary Conference which will be held in Canada from August 28 to September 10, 2004. This is an ambitious undertaking involving several hundred parliamentarians and parliamentary staff from around the Commonwealth. The conference will be split between Quebec City and Toronto.

Other upcoming parliamentary conferences were also approved by the Council including Regional Conferences in British Columbia in 2003 and Newfoundland in 2005. The Regional Seminar scheduled for 2002 will be replaced by a special Conference on Parliamentary Government to be hosted by the Quebec National Assembly from October 9 to 12, 2002. The conference will include six plenary sessions bringing

together representatives of various legislatures as well as academics, journalists, jurists and others.

In 2003 the Regional Seminar will be held in Nunavut and in 2005 in Prince Edward Island. The Conference of Presiding Officers will be held in Ontario in 2003, Nova Scotia in 2004, Northwest Territories in 2005 and Prince Edward Island in 2006.



### Regional Conference

The 41<sup>st</sup> Canadian Regional Conference will be held in Fredericton, New Brunswick from July 16-21, 2002. The host of the conference is Speaker **Bev Harrison**.

Among the topics for the business sessions are the following :

- Royal Assent
- Members' Remuneration
- Canada-United States relations since September 11, 2001
- The Selection Process for Party Leaders
- Interprovincial Trade Barriers
- Power of the Legislative Branch vs Authority of the Executive Branch
- Security in the Legislative Precincts

In addition, social activities have been coordinated to ensure that delegates will be able to experience summer events and local attractions. These include a visit to La dune de Bouchtouche, Irving Eco-Centre, Le Pays de la Sagouine and Kings Landing Historical Settlement.



Sarmite Bulte, MP

### New Chair of Federal Branch

On May 2, 2002 **Sarmite Bulte** was elected to a second term as Chair of the Federal Branch of CPA. She replaced **Sue Barnes** who resigned following her election as Chair of the Finance Committee of the House of Commons.

First elected as a Liberal Member of Parliament in 1997, Ms. Bulte represents Parkdale-High Park in the House of Commons. She studied at the University of Toronto and the University of Windsor where she obtained a law degree in 1978.

She has been active in a number of organizations including the International of Women Entrepreneurs of Canada, the Legal Education Action Fund (LEAF) Endowment Committee, the Judy Lamarsh Fund and the Canadian Association of Women Executives and Entrepreneurs.

She has been a member of the Liberal Task Force on Financial Institutions from 1997-1998, the Prime Minister's Task Force on Youth Entrepreneurship from 1998-1999, the Standing Committee on Canadian

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Heritage, Chair of the Sub-Committee of International Trade, Trade Disputes and Investment and Chair of the Liberal Caucus Committee on the CRTC.

In August 2000 she was appointed Parliamentary Secretary to the Minister of Canadian Heritage. She has served as Canadian Regional Representative on the International Executive of the CPA since September 2000. She is also Chair of the Baltic States Friendship Group.

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#### **New Sergeant-at-Arms in New Brunswick**

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On March 1, **Daniel Bussi eres** was appointed to the position of Ser-



**Daniel Bussi eres**

geant-at-Arms at the New Brunswick Legislative Assembly. He replaces **Phyllis LeBlanc** who retired March 31, 2002.

Mr. Bussi eres has 23 years of experience with the Royal Canadian Mounted Police. He has participated in numerous V.I.P. security programs and brings to the position experience in all aspects of law enforcement and security.

He has served as Division Security Coordinator/Recruiting RCMP "J" Division, and has been involved in implementing RCMP Strategic plans across the country as National Coordinator of the RCMP Policy review initiative. He is a member of the Canadian Society for Industrial Security.



# Legislative Reports



## Northwest Territories

The Fifth Session of the Fourteenth Assembly of the Northwest Territories convened on Tuesday, February 19, 2002 and sat through March 15, 2002. This being the annual Budget Session, the majority of house business was concerned with budgetary and fiscal issues of the Government of the Northwest Territories.

In her Opening Address, Commissioner **Glenna Hansen** thanked the Members for their united efforts, "I encourage you to maintain this ability to work as one body, one government and one voice as you continue to seek the consensus on which this Legislative Assembly is based." The Legislative Assembly was privileged to have "O Canada" sung by members the Sir John Franklin High School Choir, as well as a drum prayer offered by members of the Dettah Drummers.

Deputy Premier **Jim Antoine** delivered the Sessional Statement. He affirmed the Government's commitment to a balanced agenda and fiscally responsible budget, working in partnership with communities and organizations, continuing to invest in the NWT and its residents, and reorganizing the NWT's

fiscal capacity. Premier **Stephen Kakfwi** was absent for the opening of this Session due to his participation in the Canada Trade Mission to Russia and Germany.

On February 20, 2002 Minister of Finance, **Joseph Handley**, released the NWT's annual budget. Mr. Handley highlighted a very positive growth trend, "Our economy has impressive potential... The developments on the drawing board confirm that the Northwest Territories is on the road to becoming a 'have' jurisdiction." His Budget Address contained a number of key growth indicators: the NWT's real gross domestic product grew by 32 percent in 2001; exports increased by 19 percent and; unemployment rates fell to 9.8 percent as of January 2002. The Minister also voiced the Government's support for economic development, the environment, non-renewable resource development, roads and infrastructure, and support for the people and communities of the North.

Each department of the Government of the Northwest Territories submitted Main Estimates to be reviewed by one of the three Standing Committees of the Legislative Assembly. Subsequently, the Standing Committee on Accountability and Oversight, the Standing Committee on Governance and Economic Development, and the Standing Committee on Social Programs, each tabled reports on the review of the 2002-2003 Main Estimates in the House.

In addition to Committee Reports, a number of other documents

relating to department Budgets were tabled in the House. A collection of Public Accounts of the Government of the NWT was tabled on February 27, 2002 consisting of Consolidated Financial Statements, Non Consolidated Financial Statements, Supplementary Financial Statements and Government Indicators.

**Michael Miltenberger**, Minister of Health and Social Services, tabled the *Health and Social Services Action Plan 2002-2005* in the Legislative Assembly on February 21, 2002. This document maps out the actions necessary to reform health and social services and carries with it aggressive implementation timelines. The Action Plan contains five broad strategies calling for improvements to the following areas: services to people; support to staff; system-wide management; support to trustees and; system-wide accountability.

A number of significant motions were passed during this Session. These included a motion moved by **Jake Ootes**, Minister of Education, Culture and Employment, to send a congratulatory message to Her Majesty Queen Elizabeth II on the fiftieth anniversary of her accession to the throne. The Assembly passed this Motion on February 26, 2002.

On February 20, 2002 a new Special Committee was created to encourage the equitable distribution of resources to NWT communities, as well as to preserve social, cultural and traditional pursuits in these communities. Named the Special Joint Committee on Non-Taxed-

Based Community Affairs, it is chaired by **Michael McLeod**, Member for Deh Cho. All members of the Committee represent small and isolated communities in the North.

The Fifth Session of the Fourteenth Legislative Assembly saw the appointment of **Edward N. Hughes**, Q.C. as Conflict of Interest Commissioner through motion on February 26, 2002. Prior to Ted Hughes' appointment, the position was being filled under an acting appointment.

Also on February 26, 2002 a motion was passed to amend the mandate of the Standing Committee on Accountability and Oversight. The Department of the Executive was brought under this Committee's review, removing it from the mandate of the Standing Committee on Governance and Economic Development.

Lastly, a motion was brought to the House on March 12, 2002 by **Bill Braden**, Member for Great Slave, requesting a special audit by the Auditor General of Canada into the circumstances surrounding the Financial Management Board and Executive Council's approval of a Special Warrant in the amount of \$696,000. Presented to the Legislative Assembly as a portion of Bill 9, *Supplementary Appropriation Act, No.3, 2001-2002*, this amount was payment for termination, compensation and benefits to the former Chief of Staff and Principle Secretary of the Office of the Premier, who both resigned in January.

Five bills were granted Royal Assent during this Session. These included:

- Bill 2, *Appropriation Act, 2002-2003*;
- Bill 4, *An Act to Amend the Legislative Assembly and Executive Council Act*;
- Bill 7, *An Act to Amend the Legislative Assembly Retiring Allowances*

*Act and the Supplementary Retiring Allowances Act*;

- Bill 9, *Supplementary Appropriation Act, No. 3, 2001-2002*; and
- Bill 10, *An Act to Amend the Income Tax Act*.

Bill 7, *An Act to Amend the Legislative Assembly Retiring Allowances Act and the Supplementary Retiring Allowances Act* gained significant attention in the Northwest Territories. Effectively serving to increase MLAs' retirement pensions, the public as well as Members of the Legislative Assembly actively debated its merits. These amendments will allow MLAs to participate in a supplementary retiring allowances plan. It also changes numerous provisions of the *Legislative Assembly Retiring Allowances Act* and the *Supplementary Retiring Allowances Act* to ensure that the two plans are alike, and consistent with similar plans, whenever possible.

A number of bills also proceeded to the Committee stage after Second Reading.

Bills currently being reviewed by Committees include:

- Bill 1, *Human Rights Act*;
- Bill 3, *An Act to Amend the Public Service Act*;
- Bill 5, *An Act to Amend the Adoption Act and the Family Law Act*;
- Bill 6, *An Act to Amend the Financial Administration Act*;
- Bill 8, *An Act to Amend the Nursing Profession Act*; and
- Bill 11, *An Act to Amend the Liquor Act*.

Bill 1, *Human Rights Act* would replace the *Fair Practices Act* and reform human rights legislation in the Northwest Territories. It would expand the list of prohibited grounds of discrimination, establish an independent Human Rights Commission and put in place modern investigative and adjudicative processes for dealing with complaints.

The Standing Committee on Social Programs is currently examining this bill.

Bill 5, *An Act to Amend the Adoption Act and the Family Law Act* is significant because its amendments reflect the requirements for equality under the *Canadian Charter of Rights and Freedoms*. The Government of the Northwest Territories will be addressing the issue of same-sex relationships in two phases: phase one is the introduction of the bill to amend the *Adoption Act and the Family Law Act*, while phase two will involve a review of, and amendment to, all of the remaining thirty-five pieces of legislation that use the word "spouse," or its equivalent.

The first annual Northern Mines Ministers Conference was held on April 4, 2002. It was co-chaired by Mr. Antoine, Minister of Resources, Wildlife and Economic Development, and **Robert Nault**, federal Minister of Indian Affairs and Northern Development. With the flurry of mining activity in the NWT, this was an opportunity to review the key issues facing the northern mining industry. Participants were expected to develop a plan to encourage both mineral investment in the North as well as a healthy industry that will strengthen employment opportunities for northern communities and Aboriginal people.

Premier, and Minister Responsible for the Status of Women Council, Mr. Kakfwi, spoke in commemoration of International Women's Day on March 8, 2002. "Northern women have long been the voice for social justice and for peace in our homes and communities," said Mr. Kakfwi. The Status of Women Council selected five women from across the NWT for the Wise Women Awards, and a luncheon was held in the Legislative Assembly's Great Hall to honour their achievements.

The Fifth Session of the Fourteenth Legislative Assembly of the Northwest Territories will reconvene on June 11, 2002.

**Tasha Wasyliw**  
Public Affairs Assistant



## Manitoba

On April 22, 2002, the Third Session of the Thirty-Seventh Legislature resumed with the presentation of the Budget Speech by **Greg Selinger**, Minister of Finance. Highlights of the budget, as outlined in a government news release included:

- \$500 million more in spending for health, education, families and communities;
- \$244 million annually in personal tax reductions;
- \$288 million towards debt and pension liability reduction.

On April 23, 2001, a non-confidence motion was moved by **Stuart Murray**, Leader of the Official Opposition. The amendment was defeated on May 1, 2002 by a vote of Yeas 24, Nays 31. The budget motion was adopted on the same day by a vote of Yeas 31, Nays 24.

When the debate on the budget is concluded, consideration of the expenditure estimates will commence. Manitoba's *Standing Orders* allow for a maximum of 240 hours

for consideration of the departmental expenditure estimates.

### **Motion of Condolence on Passing of Queen Mother**

On April 23, 2002, Premier **Gary Doer** moved, seconded by **Stuart Murray**, a motion of condolence in remembrance of Her Majesty, Queen Elizabeth the Queen Mother. Following speeches, a moment of silence commemorating her life was held.

### **Committee Activity**

Standing Committee activity was quiet during this quarter. The Standing Committee on Privileges and Elections met on February 11, 2002 to consider the recruitment of the Children's Advocate whose term was to expire on March 29, 2002, and the recruitment of the Ombudsman whose term was to expire on March 2, 2002. Both of these positions, in accordance with the legislation, could be renewed for a second term. By motion passed by the Committee, **Janet Mirwaldt** was appointed for a second three year term as the Children's Advocate, and **Barry Tuckett** was appointed for a second six year term as Ombudsman.

### **Expiration of Provisional Rules**

The provisional changes to the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba that were concurred in, by the House, on May 16, 2001 expired March 31, 2002, thereby returning Manitoba to pre-May 16 rules. Some of the rules that Manitoba will be reverting to are:

- 240 hours allotted for the consideration of ways and means and supply resolutions respecting main, interim, capital and supplementary estimates and for the consideration in the Committee of the Whole of the relevant Supply Bills.

- No Friday morning sittings of the Committee of Supply.
- Private Members' Business to be held each sitting day from 5:00 p.m. to 6:00 p.m., except during debates on the Throne Speech or Budget.
- Return to previous notice requirements for placement of items on the Notice Paper section of the Order Paper. There are no provisions for inter-sessional filing.
- Concurrence and third reading of a bill will return to being two separate motions, with the concurrence motion being non-debatable.
- The process for report stage amendments returns to distribution of the report stage amendment prior to the calling of Orders of the Day.

On April 23, 2002, a motion was passed in the House reinstating some of the Provisional Rules:

- The Whips (or a designate) will continue to file their substitutions with the Office of the Clerk thirty minutes prior to the start of the meeting. Substitutions are allowed during a committee meeting, with leave.
- The appendices to the existing rule book and scripts pertaining to Royal Assent will remain in the "plain language" wording.
- The Chairperson of the Committee of Supply will continue to report to the House items passed during consideration of interim, main and capital supply, at the conclusion of the estimates all resolutions passed, the concurrence motion and any incidents of grave disorder. Prior to this, the Chairperson of Supply reported to the House daily on the previous day's events in Supply.

### **Speaker's Rulings**

On December 6, 2001, the Member for Russell indicated to the House that a telephone conversation had

been mistakenly left on the wrong answering machine and he was tabling a cassette tape and transcript of this answering machine message. The Government House Leader rose on a point of order stating that if conversations were being brought into the House then a Member should provide the basis of who was making and receiving the phone calls. Speaker **George Hickes** took the matter under advisement. The House adjourned on that same day resuming on April 22, 2002. On April 25, 2002, Speaker Hickes ruled that the Member for Russell should sign and submit a declaration regarding the items tabled. He further stated that this action would make the items receivable by the House, because according to Beauchesne citation 494, statements by Members respecting themselves and particularly within their own knowledge must be accepted.

#### Matter of Privilege

On December 6, 2001, **Len Derkach** (Russell) rose on a matter of privilege and moved "THAT the actions of the Minister of Education in providing copies of a letter or document to the media without first providing that document to the Legislature as requested, after that document had been repeatedly asked for by members of this House, constitutes a breach of the privileges of the members of this House and that this matter be referred to a committee of this House." The Speaker informed the House that he would take the matter under advisement. On April 25, 2002, Speaker Hickes ruled that there was no matter of privilege citing past Manitoba Speaker's rulings and an excerpt from Joseph Maingot's *Parliamentary Privilege in Canada* which indicates "a complaint that a Minister of the Crown has made a statement outside the House rather than in the

House or that the government provides information only to its supporters in the House or a grievance against the government, but in the absence of an order in the House forbidding such activity, there is no person or corporate privilege that has been breached in the doing, and neither does it constitute contempt of the House in the 'privilege' sense."

#### By-election for Constituency of Lac du Bonnet

On March 12, 2002, Manitobans went to the polls to elect a new representative in the constituency of Lac du Bonnet, formerly held by **Darren Praznik**. The long time Progressive Conservative seat was retained. **Gerald Hawranik** was elected as the new Member for Lac du Bonnet. The New Democratic Party presently hold 32 seats, the Progressive Conservatives hold 24 seats and the Liberals hold 1 seat.

#### Golden Boy

Manitoba's famous Golden Boy was removed by crane from the roof of the Manitoba Legislative Building on February 9, 2002 to undergo structural repairs. From February 12 to March 7, 2002, Manitobans had the opportunity to get up close and personal as the statue was on display at the Manitoba Museum. A Manitoba company has been selected to repair the Golden Boy in order for future generations to enjoy this symbol of our province. The Golden Boy is expected to be returned to his place on the dome by September 2002.

**JoAnn McKerlie-Korol**  
Clerk Assistant



## Ontario

Change was the order of the day when the Ontario Legislative Assembly resumed sitting again on May 9, with a Speech from the Throne opening the 3<sup>rd</sup> Session of the 37<sup>th</sup> Parliament. The Speech was read by the Honourable **James Bartleman**, who was installed as Lieutenant Governor on March 7, 2002, replacing the Honourable **Hilary Weston**. Mr. Bartleman comes to the Vice-Regal position after a 35-year career in the Canadian Foreign Service, most recently as Canada's Ambassador to the European Union since 2000.

The new legislative Session also marked a transition in the governing Progressive Conservative administration. Six weeks earlier, in March, the Progressive Conservative Party chose **Ernie Eves** at its leadership convention to replace Premier **Mike Harris**, who had announced his intention to leave elected office in October of 2001. Mr. Eves was a 20 year veteran of the Ontario Legislature when he decided to retire from public life early in 2001. However, he decided to contest the Conservative leadership vacated by Mr. Harris and, having won, now was looking for a seat in the House.

Subsequently, in April 2002, both Mr. Harris and **David Tilson** (PC/Dufferin-Peel-Wellington-Gre



y) resigned their seats in the Legislature, triggering by-elections which were called for May 2. Mr. Eves, Premier-designate, chose to run in the seat vacated by Mr. Tilson. During the by-election period, on April 15, the Lieutenant Governor swore in Mr. Eves' first Cabinet, and Mr. Eves as Premier, marking the final day of Mr. Harris' public service to the Province of Ontario.

Mr. Eves subsequently won the by-election in Dufferin-Peel-Wellington-Grey and took his seat in the Legislature on May 13. The by-election in Mr. Harris' former riding of Nipissing produced a very close result, which was settled by a judicial recount on May 15. The victorious candidate, **Al McDonald**, retained the riding for the governing Progressive Conservatives with just a 48 vote margin, and he took his seat on May 27.

The new Session began with a very full agenda, since 128 public bills of the previous Session had been carried over to the current Session by a special order of the House. The main political theme dominating the Ontario Legislature in Spring 2002 revolves around controversial plans for Hydro One, the provincially-owned electrical transmission utility, one of 3 successor companies to the former Ontario Hydro, which was broken apart by the government several years ago.

A planned initial public offering of shares in Hydro One was struck down by the Ontario Superior Court, which ruled that the Province lacked the legislative authority to divest itself of this public asset. The government has announced that it intends to introduce legislation to address this problem, and will at the same time appeal the court decision. In the wake of the ruling, a very robust public debate has erupted about the right course to take with Hydro One. The government has promised that a legis-

lative committee will be given the task of holding public hearings on the issue and to provide its advice to the House.

Aside from debate on the motion for an Address in reply to the Speech from the Throne, which has occupied the bulk of time so far, the House has in its short time this Session also debated 2 government bills, one an agricultural bill related to nutrient management and the other an environmental bill related to waste diversion. Both were referred to standing committees. The House has also debated a motion from the Leader of the Official opposition, **Dalton McGuinty** (LIB/Ottawa South) related to the Hydro One issue.

**Todd Decker**

Clerk of Journals and  
Procedural Research

### Committee Activity

The Committees Branch has been carrying on with business since the recess on December 13, 2001

The Standing Committee on Government Agencies chaired by **Jim Bradley**, (St. Catharines) has continued to review proposed appointments.

The Standing Committee on Finance and Economic Affairs chaired by **Marcel Beaubien** (Lambton-Kent-Middlesex), conducted pre-budget consultations around the province. The committee traveled to Sault Ste. Marie, Windsor, Cobourg, Kitchener- Waterloo and Barrie and conducted four days of hearings in Toronto.

The Select Committee on Alternate Fuels chaired by **Doug Galt** (Northumberland), conducted extensive public hearings and traveled to other jurisdictions to gather information on alternative fuel sources. The Committee has been

reviewing its data and writing its report which will be tabled by the end of May 2002.

The Standing Committee on the Legislative Assembly, chaired by **Margaret Marland** (Mississauga South), undertook study visits to a number of jurisdictions under the terms of its mandate to inquire into and report on parliamentary reforms. In February and March, the Committee visited the Houses of Parliament at Westminster, the Scottish Parliament and the National Assembly of Wales. In April, the Committee undertook further research meetings at the Senate and House of Commons in Ottawa and the Quebec National Assembly. The Committee is reviewing its material and will produce a report by October 15, 2002.

**Anne Stokes**

Committee Clerk  
Standing Committee on General  
Government



## British Columbia

**A**s reported in the previous issue, the Minister of Finance and Government House Leader, **Gary Collins** (Vancouver-Fairview), presented the Liberal government's first complete budget on February 19, 2002. He defined the top priorities of the financial plan as "restoring sound fiscal management, revitalizing the economy, and putting patients and students first." To tackle the projected deficit of \$4.4 billion, total spending in ministries,

except for those providing health and education services, is being reduced by an average of 25 percent during the current fiscal year. To raise revenue, the following measures were announced:

- a 50 percent increase in Medical Services Plan premiums, except for people living on low incomes;
- an increase of 0.5 percent in the provincial sales tax to fund the doctors' recent pay increases, awarded by an independent arbitrator; and
- an increase in the tobacco tax of \$8 a carton to raise \$150 million in revenue.

The budget documents tabled in the House included the three-year service plans of all the ministries and Crown corporations, which were developed during the seven-month core services review that began in the fall of 2001. To ensure that cabinet ministers meet the government's spending targets, statutory salary holdbacks have come into effect for the 2002-03 fiscal year. The *2001 Balanced Budget and Ministerial Accountability Act* specifies that 10 percent of the salaries of members of the executive council will be payable only if the public accounts show that the government's bottom-line target has been achieved. A further 10 percent will be paid only if ministers meet the spending targets set out in their own ministry service plans.

Under the new annual parliamentary calendar, Budget Day takes place on the second Tuesday in February, some six weeks earlier than in previous parliaments, when the budget was usually presented closer to the fiscal year-end. As a result of the new schedule and the lack of a sizeable opposition, the review of the estimates by the House was completed by April 29, 2002. The *Supply Act, 2002-2003* advanced through three readings on the same

day, a practice that has been permitted in British Columbia since 1996.

### Legislation

Part of the government's plan to overhaul the health care system involved amending laws passed by the previous government. For example, the *Health Planning Statutes Amendment Act, 2002* makes seven changes that are designed to strengthen public safety, improve the governance of health professions, deal with outdated regulations and to use resources more efficiently, with the anticipated cost savings to be directed back to patient care.

Changing the education system has been another top priority on the government's agenda. In terms of legislative action, lifting the freeze on tuition fees at the province's colleges and universities required the repeal of a regulation made under section 10(2) of the *Access to Education Act*. Other changes to the post-secondary sector included the passage of the *Degree Authorization Act*, which expands the degree-granting authority of both private and public post-secondary institutions inside and outside B.C. As well, the *School Act* is in the process of being amended in order "to improve student achievement." The proposed changes include establishing school planning councils as forums for parental involvement, providing parents and students with more choice about schooling, and lifting spending restrictions on school boards and giving them more autonomy.

Other government bills introduced during the Spring sitting include two welfare measures that redefine the eligibility criteria and rules for people claiming ordinary and disability benefits, emphasizing employment and self-sufficiency. The *Employment and*

*Assistance Act* and a companion statute, the *Employment and Assistance for Persons with Disabilities Act*, are designed to cut \$600 million from the \$1.16 billion welfare budget over the next three years.

To protest the proposed changes to the welfare laws, the Leader of the Opposition, **Joy MacPhail** (Vancouver-Hastings) called for a rare vote on the first reading of the two bills. At the second reading stage of Bills 26 and 27, a government backbencher, **Val Anderson** (Vancouver-Langara) broke party ranks and voted against their passage. The governing party permits free votes for its private members, except on matters specifically identified as votes of confidence.

### Speaker's Rulings

The Speaker has made several procedural rulings during the Third Session. One ruling related to a Private Member's Bill introduced by Ms. MacPhail, to restrict fish farming. During the second reading on April 15, 2002, Mr. Collins asked the Speaker to rule Bill M201 out of order because it proposed a licensing fee for fish farms, arguing that only the government can impose this type of revenue-raising measure. The next day, after realizing that the relevant clause in fact referred to an existing fee rather than a new one, he identified another reference in the bill, requiring fish farmers to undertake the expense of building an "impermeable" containment vessel. Subsequently, on April 17, 2002, the Speaker ruled that the subsection in question would "involve a charge upon a section of people" and, therefore, the private member's bill was out of order.

Another ruling dealt with a privilege matter raised on March 27, 2002 by **Reni Masi** (Delta North), relating to the leak of a confidential draft report from the Select Stand-

ing Committee on Education to the B.C. Teachers' Federation, which was subsequently reported upon by the *Vancouver Sun*. His request to the Speaker for a ruling prompted **Jenny Kwan** (Vancouver-Mount Pleasant) to stand in her place and advise the House that she had shared the draft report with a group of stakeholders on what she understood to be "a confidential basis." She then expressed regret for her part in the matter and apologized to the House if, in fact, any information from her office had appeared in the *Vancouver Sun*.

On April 2, 2002 the Speaker ruled that the material presented, combined with the admission of Ms. Kwan, were sufficient to establish a *prima facie* case of breach of privilege or contempt. The House then approved the motion proposed by Mr. Masi to refer the matter to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills. To date, the Committee has held three business meetings to discuss how to conduct its inquiry into the first privilege case involving premature disclosure of a committee report to occur in British Columbia.

#### Legislative Committees

Now that the Spring sitting is coming to a close, it is anticipated that three other select standing committees (Crown Corporations, Finance and Government Services, Public Accounts) will soon receive their terms of reference for the Third Session and become active again. Their membership has already been determined by the Special Committee of Selection, which reported to the House on April 4, 2002.

Another legislative committee has also been active since the House convened in February. The Special Committee to Review the Police

Complaint Process is continuing its deliberations in regard to the complaint procedure outlined in Part 9 of the *Police Act* and the work of the police complaint commissioner, a statutory officer of the Legislative Assembly. Its report is due in August 2002.

#### Other Matters

On February 21, 2002 **Tony Bhullar** (Surrey-Newton) stepped down from the Liberal caucus and will continue to sit as an Independent Liberal in the House.

**Josie Schofield**

Research Analyst

Office of the Clerk of Committees



### Prince Edward Island

On March 26, 2002, the Third Session of the Sixty-first General Assembly re-opened for the Spring Sitting with the presentation of the budget. **Pat Mella**, currently Canada's longest-serving Provincial Treasurer, introduced her sixth budget which contained expenditures of approximately \$1 billion. Health and Social Services continued to account for the largest share of Provincial expenditure at just over \$389 million, or 38.9% of the total expenditure; followed closely by Education at \$203 million, or 20.3% of the total. Tax measures included raising the Health Tax on Tobacco by five dollars per carton of 200 cigarettes, and an increase in the Gasoline Tax of one cent per litre.

During the Spring Sitting, 25 Government Bills were introduced, all of which received Royal Assent. Four of the more significant pieces of legislation considered by the House were:

- *Coat of Arms Act* (Bill No. 30), which provides for the augmentation of the original Armorial Bearings of the Province with a crest and supporters. In 2001, to mark the 150<sup>th</sup> anniversary of Responsible Government in Prince Edward Island, the Premier, on behalf of the Executive Council, requested that the Governor General grant the Province the honour of a Full Achievement of Arms, in recognition of Prince Edward Island's co-sovereign status in the Canadian federation. Her Excellency has agreed, and Her Majesty the Queen has approved the use of the Royal Crown in the new Armorial Bearings.
- *An Act to Amend the Freedom of Information and Protection of Privacy Act* (No. 2) (Bill No. 32), which expands Cabinet confidentiality by removing the exception regarding background documents, among other changes. The Bill also specifies the process by which the Information and Privacy Commissioner is appointed by stating that it is upon the recommendation of the Standing Committee on Legislative Management to the Legislative Assembly followed by a resolution supported by at least two-thirds of the Members present.
- *An Act to Amend the Health and Community Services Act* (Bill No. 43), which provides for the establishment of a new Provincial Health Services Authority and the new Advisory Council. The Act also clarifies that the health authorities and their employees are not Crown agents, and authorizes orders to be made concerning the transfer of assets, liabilities, contracts, positions, etc., within the health system.
- *An Act to Amend the Victims of Family Violence Act* (Bill No. 45)

will improve the usefulness of provisions under Emergency Protection orders and Victim Assistance orders, sending the clear message that breaches of orders are to be taken seriously. The Bill also clarifies the amounts that may be charged for offences committed under the Act.

In addition, two Private Bills received Royal Assent. They were *An Act To Amend And Consolidate The Several Acts Effecting And Relating To The Incorporation Of Zion Presbyterian Church, Charlottetown* (Bill No. 100) and *Prince Edward Island Mutual Insurance Company Act* (Bill No. 101).

The Third Session of the Sixty-first General Assembly prorogued on May 10, 2002, after a total of 45 sitting days (Fall and Spring Sittings).

#### Committee Activity

The Standing Committee on Privileges, Rules and Private Bills met twice between the Fall and Spring Sittings to consider the question of whether handheld and/or laptop computers should be permitted on the floor of the Legislative Assembly. The Standing Committee undertook a survey of other Canadian jurisdictions on the use and availability of technology, along with the guidelines for use of electronic devices. In summary, a trend toward the adoption of personal digital assistants and laptop computers was observed throughout the country. There still exists a general ban on the use of cellular telephones.

After reviewing the information, the Standing Committee recommended that, except for ceremonial occasions such as the Speech from the Throne, laptops and handhelds be allowed in the Legislative Assembly. The use of laptops during Oral Question Period is recommended on a trial basis for the re-

mainder of this Session, and will be evaluated at its conclusion. If, in the opinion of the Speaker or Chair, the use of laptops and handhelds impinges on the decorum or dignity of the House, a Member may be ordered to discontinue use. Sound capabilities of all devices must be muted. In addition, the Standing Committee recommended that laptop computers not be allowed in meetings of standing or special committees; and cell phones may not be used in the Legislative Assembly or in any committee meeting. Since the report of the Standing Committee was adopted, several Members have taken their laptops into the House, and it has been noted that screen contents are visible from the public gallery.

The Standing Committee on Public Accounts met several times to consider the 2000-2001 Public Accounts of the Province of Prince Edward Island, inviting the Province Treasurer, Pat Mella; and the Deputy Provincial Treasurer, Michael O'Brien, to appear before it. The Standing Committee focused on the operating budget and consolidated budget, accounting rules relating to capital investment by government, the provincial debt and current deficit, the Province's bond rating, the Prince Edward Island Lending Agency Inc., and federal government transfers to the Province. The Standing Committee has been authorized to sit intersessionally for the purposes of concluding its examinations into the Public Accounts and the 2002 Report of the Auditor General to the Legislative Assembly, and will report in the next Session.

As previously reported, the Standing Committee on Agriculture, Forestry and Environment took the unusual step in December of issuing warrants to two representatives of the Canadian Food Inspection Agency following their

repeated refusal to appear voluntarily before the Committee to assist in its investigation into the potato wart crisis. Subpoenas were prepared by the Clerk's Office and served on two representatives of the CFIA Charlottetown office directing them to attend a meeting of the Committee scheduled for January 10, 2002. Department of Justice Canada responded to the Chair of the Standing Committee requesting that the summonses be withdrawn, citing the *Keable decision* as grounds, or, in the alternative, referring the matter to a judicial review by the Supreme Court of Prince Edward Island. Before the Standing Committee had a chance to respond, on January 2, 2002, the Clerk was advised by the Office of the Attorney General that the Federal Government made application to have the subpoenas stayed. A court date of January 3, 2002, was set. An adjournment was agreed to by both parties, and the matter was heard by Justice Kenneth MacDonald on January 7, 2002. Justice MacDonald made an interim declaration, granting a temporary exemption for both CFIA representatives from complying with the summonses, and setting a date of March 15, 2002, to hear the case. The Committee met on January 10, 2002, to advise those in attendance that the validity of the warrants compelling two representatives of CFIA to appear before the Committee was being challenged in the courts, and therefore, the scheduled witnesses would not be present at this meeting. At this point, the work of the Committee turned from investigation of the potato wart crisis to preparation for the upcoming court case. All relevant documentation was provided to the Committee's legal counsel. Prior to the date which had been set for the case, a postponement was granted and arguments on this matter now will be heard on June 11, 2002. A

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further update will be provided for the next issue of *Canadian Parliamentary Review*.

### Privilege – An Update

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On November 21, 2001, the Minister of Development, **Michael Currie**, raised a question of breach of privilege for the Speaker to consider. At issue were remarks made by the Leader of the Opposition, **Ron MacKinley**, during Oral Question Period, in which he alleged that the Minister engaged in an illegal activity, specifically listening to wire-tapped conversations of private individuals. Mr. MacKinley withdrew his use of the words "wire tap" and replaced them with the word "taped" but declined to apologize. Later in the sitting day, Premier **Pat Binns** rose and requested an apology. Again the Leader of the Opposition declined. In her ruling, Speaker **Mildred Dover**, found that a *prima facie* case of breach of privilege had been made. The Leader of the Opposition offered a verbal apology to the Minister of Development and Technology. Government House Leader, **Elmer MacFadyen**, advised that a letter of apology to the House, and tabled in the House, would be acceptable. On December 5, 2001, Mr. MacKinley tabled his letter of apology, which proved to be unacceptable to the House. A motion to suspend the Leader of the Opposition for the remainder of the sitting day was passed.

The following day, Mr. MacKinley tabled letters of apology addressed to the Minister of Development and Technology, the Speaker and the House. He asked Speaker Dover to rule on the acceptability of the letters and to apprise the House of the procedure involved in suspending a Member from the House of Commons. After a brief recess to consider the letters,

the Government House Leader addressed the House and asked the Speaker to read the letter, which she did. The Government House Leader expressed his disappointment in the letter. The Provincial Treasurer, Ms. Mella made a statement expressing her disappointment in the letter but indicating that this issue had received enough attention of the House and suggested that the business of the House should proceed. The Speaker stated that had she ruled on the letters she would have found them to be unacceptable; however, given the statements of the Government House Leader and the Provincial Treasurer, it was her decision that the consensus of the House was that this issue appeared to be resolved and that the House should proceed with its business. The Leader of the Opposition suggested he would abide by the Speaker's Ruling and table another letter of apology. Speaker Dover indicated that this would not be necessary.

The Special Committee on *The Election Act* presented its final report to the Legislative Assembly on April 27, 2001, with the recommendation that Elections P.E.I. commence a review of the systems of proportional representation presently in existence in other jurisdictions, with special emphasis on jurisdictions of comparable size and population as Prince Edward Island. Elections P.E.I. began its research of proportional representation systems shortly after receiving this instruction and submitted its final report to the Speaker, who tabled it on April 16, 2002. The report provided a glossary of terms used in electoral systems, examples of proportional representation in various countries, and compared advantages and disadvantages of first-past-the-post and proportional representation systems. Elections P.E.I. also pro-

vided scenarios of three variations of proportional representation which might suit Prince Edward Island. The report concluded that any binding decision for one system over another system should be left to a provincial referendum, preceded by an impartial campaign of public education about the issues involved in the choice.

### Leader of the Opposition Sick, Media Pose Questions

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With the only Opposition Member ill for a second day running, Members of the Legislative Assembly allowed media representatives to have a hand in Oral Question Period on May 2, 2002. Members of the local press corps submitted written questions to Private Members which were then asked in the House. The result was a question period that touched briefly on a dozen subject areas from roadwork to an embattled lobster plant, and included the question as to whether it was proper to allow journalists to pose questions on the floor of the Legislative Assembly. The Premier later commented that this was an experiment that he wasn't sure would be repeated but he thought it had helped fill the gap resulting from the absence of the Leader of the Opposition. He also said, in a media interview, that he would consider other sources of questions including a web site that let members of the public offer questions via the internet, should it become necessary due to the continued absence of the Leader of the Opposition. The Leader of the Opposition, Mr. MacKinley, returned to the House on Friday, May 3, 2002.

### Legislative Pages on Television

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Early in May, *Island Focus*, a half-hour community outreach program, did a feature story on the

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Page Program at the Legislative Assembly. This four-minute segment, was part of a longer program on "interesting jobs" which was broadcast on Eastlink Television. Host **Peter MacPhee** interviewed student pages **Lindsay Anderson** and **Nicole Simpson** about their experiences working on the floor of the Legislative Assembly. Clerk **Charles MacKay** contributed his thoughts about the selection process and the role of the student page. The segment focusing on the Page Program now can be viewed at <http://www.gov.pe.ca/focus/episodes.php3?rq=archive>.

### **MLA Apologizes**

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In one of the most emotionally-charged speeches delivered in the Legislative Assembly, **Wilbur MacDonald** (Belfast-Pownal Bay) offered a full and unqualified apology to the House and to all Islanders for comments he made during debate on April 19, 2002. At the same time, he resigned from the Standing Committee on Social Development, which he chaired, and from government's Strategic Planning Committee.

The apology followed several days of furor in the local and national media, as well as in offices, kitchens and coffee shops across the Province and the country. At the centre of the controversy were statements Mr. MacDonald made while debating a motion dealing with child pornography. Speaking without notes, he expressed fears about the future of the white human race, and associated immigrants with a decline in Canadian society. He then proceeded to comment on the *Charter of Rights and Freedoms*, along with declining standards in television programming.

Public response was strong and immediate, and focused almost entirely on the opinions judged by

some to be racist in nature. Some expressed the view that the Legislative Assembly was no place to promote such views; others questioned the role of the Speaker in such a situation, and many concluded that Mr. MacDonald did not have the right to speak the offensive words in the House. There was very little support for the principle that a Member has the right to express opinion on the floor of the House, without fear of civil liability or censure from the House – regardless of whether the views being expressed are shared by the majority.

### **Speaker Gives Gift to Schools**

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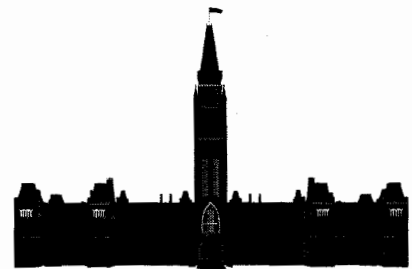
As part of the celebration of the Golden Jubilee of Her Majesty Queen Elizabeth II, Speaker **Mildred Dover**, is presenting a framed photo of the Queen to every Island school. "For the past fifty years, Her Royal Majesty has inspired all of us with her devotion to duty and her unselfish labour not only for the people of this province but for all the people of the Commonwealth," commented the Speaker. Unframed versions of the Queen's portrait were provided by the federal Department of Canadian Heritage.

### **Tribute to Canadian Soldiers Killed in Afghanistan**

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On April 18, 2002, Premier **Pat Binns**; and the Leader of the Opposition, **Ron MacKinley**, made statements on the deaths of four Canadian soldiers of the Third Battalion of Princess Patricia's Canadian Light Infantry. The House observed a moment of silence in their memory.

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



## **House of Commons**

The early part of 2002 has been dominated by controversy and acrimonious relations between government and opposition Members on issues ranging from Canada's participation in the American-led campaign against terrorism in Afghanistan to the awarding of advertising contracts by the Department of Public Works.

The Commons was also rocked by the usurping of one of its long-held traditions when **Keith Martin** (Canadian Alliance) grabbed the ceremonial Mace, which lies in a place of honour at the head of the Clerk's table in front of the Speaker to indicate when the House is sitting. Mr. Martin was angered when government members voted in favour of an amendment to discharge his bill on the non-medical use of marijuana and refer the subject matter to a committee. In what appears to have been a premeditated act of defiance, Mr. Martin walked up the centre aisle to the table, picked up the five-foot long Mace and proclaimed loudly to the Speaker, "We don't live in a democracy any more." A question of privilege was subsequently raised by the Government House Leader, **Ralph Goodale**, and was deemed *prima facie* by the Speaker. Following negotiations between the parties, Mr. Martin appeared at the bar of the House to apologize for his actions.

The House has seen its fair share of musical chairs over the past sev-

eral months. Following the long-awaited Canadian Alliance Party (CA) leadership convention in March and the victory of **Stephen Harper** as the new Party leader, five of the remaining dissident Democratic Representative Caucus Members opted to leave their coalition with the Progressive Conservatives and were accepted back into the fold of the Alliance (**Deborah Grey**, **Jay Hill**, **Grant McNally**, **Val Meredith** and **Chuck Strahl**). **Inky Mark** opted to continue to sit as part of the Progressive Conservative Party Caucus as a "Conservative Independent". It was not known at the time of writing whether **Jim Pankiw** would continue to sit as an Independent or if he would return to the Alliance caucus.

#### Procedure

On the evening of January 28<sup>th</sup>, the first sitting following the Holiday season break, a special take note debate was held on the deployment of Canadian Forces personnel in Afghanistan. On March 21<sup>st</sup> an emergency debate was held on the fisheries industry. Another emergency debate was held on April 8<sup>th</sup> to consider the deterioration of relations between Israel and Palestine in the Middle East.

Another procedural "first" occurred on January 28<sup>th</sup>, pursuant to recent changes to the Standing Orders based on recommendations of the Modernization Committee. Following a point of order raised by backbencher **Guy St-Julien** (Lib.), the Speaker informed the House that due to the Government's failure to respond to a number of Written Questions on the Order Paper within the specified 45-day period, they were being deemed referred to various standing committees of the House.

On February 4<sup>th</sup> in a ruling on a point of order raised by **Vic Toews**

(CA), concerning the handling of unanswered questions referred to the Standing Committee on Justice and Human Rights, the Deputy Speaker made a statement on the intended functioning of the new procedure.

A dispute occurred in March between opposition parties with regard to the allocation of opposition days for Supply proceedings and the number of such days that would be made votable. On March 11<sup>th</sup>, pursuant to S.O. 81(14), Speaker **Peter Milliken** informed the House of the motion of supply on national security in the name of **Peter Mackay**, of the Progressive Conservatives – Democratic Representative Coalition (PC/DR) to be considered the following day. The Speaker added that the motion would be votable. **Randy White** (CA) rose to object and stated that the motion should be non-votable, given that the PC/DR had already used their allotment of votable motions. It should be noted that the allotment for supply days and the number that are made votable is negotiated in an informal agreement outside of the Chamber between opposition House leaders. The Speaker stated that there seemed to be a disagreement between the parties on the allocation of votable supply motions and urged the House leaders to meet to iron out the matter. Following several more interventions the following day, the Speaker announced that he would not accept the designation of any motion as votable until an agreement had been reached. The matter was finally resolved when Mr. White sought unanimous consent to move a motion that laid out the allotment of supply days and the number of those that would be made votable among the Opposition parties (CA - 11 days, 8 votable; Bloc Quebecois (BQ) - 6 days, 4 votable; New Democratic Party (NDP) - 2 days, 1

votable; PC/DR - 2 days, 1 votable). Unanimous consent was granted and the motion was agreed to.

#### Privilege

Early in the sitting period a question of privilege was raised by **Brian Pallister** (CA), who alleged that **Art Eggleton**, the Minister of National Defence, deliberately misled the House as to when he knew that prisoners taken by Canadian JTF2 troops in Afghanistan had been handed over to the Americans. In support of that allegation, he cited the Minister's responses in Question Period on two successive days and alluded to a number of statements made to the media by the Minister. In his ruling on the matter, the Speaker stated that there appeared to be no dispute as to the facts. He stated that while he accepted the Minister's assertion that he had no intention to mislead the House, it was clear that two versions of events have been presented to the House. He concluded that the situation where the House was left with two versions of events was one that merited further consideration by an appropriate committee, if only to clear the air.

Mr. Pallister moved and the House concurred that the matter be referred to the Standing Committee on Procedure and House Affairs. Following extensive study, the Standing Committee reported back to the House finding that the Minister had made a mistake, but that, in its judgment, there had been no intent to confuse or mislead and therefore concluded that no contempt of the House had been committed by Mr. Eggleton.

During the course of the Committee's study on the Eggleton affair, a second question of privilege was raised in the House by **Joe Jordon** (Lib.), the Parliamentary Secretary to the Prime Minister. He charged

that the Alliance Party had breached parliamentary privilege by publishing statements on its website and through comments made to the media to the effect that the Minister of National Defence and the Prime Minister had deliberately misled the House and concealed important information through false statements made in the House. In his ruling on the matter the Speaker stated that while he could not find that a *prima facie* case of privilege existed, in his opinion, the various statements and communications were intemperate and ill-advised, adding that he was troubled by the fact that the language that had been the basis for the complaint, appeared again in the text of the dissenting opinion from the Alliance that was appended to the report of the Standing Committee on Procedure and House Affairs. The Speaker stated that he was not commenting on the substance of dissenting opinions or on the content of Committee reports themselves, but instead was urging Members and Chairs of Committees to ensure that the parliamentary practice with regard to language and form is fully respected.

### Committees

In addition to the release of the 50<sup>th</sup> Report of the Standing Committee on Procedure and House Affairs relating to the Eggleton Affair (misleading the House), other key Committee reports released recently include the Standing Committee on Citizenship and Immigration's 3<sup>rd</sup> Report entitled *Building a Nation: Regulations under the Immigration and Refugee Protection Act*, and the Standing Committee on Industry Science and Technology's 8<sup>th</sup> Report entitled *A Plan to Modernize Canada's Competition Regime*. The Standing Joint Committee on Official Languages

released a number of reports during the winter months including the 7<sup>th</sup> Report entitled *Air Canada: Good intentions are not enough!*; the 8<sup>th</sup> Report – *The official language minority communities told us...* and its 10<sup>th</sup> Report on the *Advisability of increasing funding for the Office of the Commissioner of Official Languages*. As well, the Public Accounts Committee released a number of reports related to its examination of the December 2000 Report of the Auditor General of Canada and a number of committees studied and reported back to the House on the departmental votes in the Main Estimates relating to their respective mandates.

Due to the resignations of several Members of Parliament, including some Cabinet Ministers, the ensuing Cabinet shuffle and the shifting of Members of the independent Democratic Representative Caucus back into the folds of the Canadian Alliance, a number of changes took place in the memberships of Committees and several elections were held for Committee Chairs. The new Chairs include: **Sue Barnes** – Finance (replacing **Maurizio Bevilacqua**, who was named Secretary of State (Science, Research and Development)); **Jean Augustine** – Foreign Affairs and International Trade (replacing **Bill Graham**, who was named Minister of Foreign Affairs); **Walt Lastewka** – Industry, Science; Technology (replacing **Susan Whelan** who was named Minister for International Cooperation); **Wayne Easter** – Liaison Committee (replacing Bill Graham) and **Carolyn Bennett** – Standing Joint Committee on the Library of Parliament.

The Standing Committee on Procedure and House Affairs also had a number of membership changes. New members **Rick Borotsik** (PC) and **Garry Breitkreuz** (CA) replaced outgoing members **Jay Hill** (CA, formerly PC/DR) and **Cheryl Gallant** (CA). Several changes also

occurred to the membership of the House's Board of Internal Economy. **Ralph Goodale**, the new Government House Leader replaced **Don Boudria** who was named Minister of Public Works and **Dale Johnston** (CA), the new Chief Opposition Whip replaced **Richard Harris** (CA) who formerly held that position.

### Legislation

While a number of bills have made their way through the legislative approval process, the Government has faced a difficult road with regard to its legislative agenda within its own caucus as well as with the opposition. Among those legislative initiatives that have met with more resistance, both from the Liberal backbench and opposition parties is the controversial Bill C-42, the *Public Safety Act*. Due to internal pressures as well as wide-spread public concerns, the Government withdrew the bill and introduced a new public safety legislative package, Bill C-55; however opposition critics continue to voice their concerns about the powers that would be granted under the Act.

Other bills that have been subject to much opposition, include Bill C-15A, the *Criminal Code Amendment Act* and its sister bill, C-15B, *An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act*. These two bills were originally packaged as one, but last fall the House passed a motion directing the Standing Committee on Justice and Human Rights to split Bill C-15 into two separate bills. Bill C-15A was returned to the Senate with amendments on April 23<sup>rd</sup> while Bill C-15B has spurred a backbench revolt amongst rural Liberal MPs who are calling for changes to the animal cruelty provisions. The Liberal's rural caucus formed an informal alliance with



opposition members to call for a clause that would protect farmers, ranchers, hunters and anglers from being taken to court by animal-rights activists for such traditional practices as castrating cattle. The 45-member caucus exerted enough influence to persuade Justice Minister **Martin Cauchon** to take a second look at the legislation.

For the first time since it came to power in 1993, the Liberal Government had to back down on plans to close down debate on a bill through the use of time allocation. The Government House Leader served notice of a motion for time allocation on Bill C-5, the *Species at Risk Act*, and subsequently did not rise to put the motion forward the next time the bill was debated. The proposed legislation has come under sharp criticism from a wide range of special interest groups, from the rural MPs who fear it will diminish their property rights to several Liberal backbenchers who side with environmentalists in asserting that the bill is ineffective. This is the fourth attempt by the Government to bring in legislation to protect endangered species.

#### Private Members' Business

In addition to the Mace incident and the furor raised in the House by **Keith Martin** with regards to his Private Member's Bill on the non-medical use of marijuana, other Members have signalled their discontent over the manner in which Private Members' Business is handled. On March 18<sup>th</sup>, **Mauril Bélanger**, (Lib.) argued that his privileges as a Parliamentarian had been breached. He took exception to the decision of the Standing Committee on Procedure and House Affairs to select only four items of Private Members' Business as votable when it could have selected nine items. In his ruling on the mat-

ter, the Speaker stated that while the case raised by the Member could not be considered a question of privilege, it was a serious procedural matter that had been begging for a solution for some time. He stated that, in view of the frustration reflected by the Member in the name of several other Members, the Government House Leader should attempt to ensure the resolution of these issues to the satisfaction of all Members. Since that time the Standing Committee on Procedure and House Affairs has held hearings aimed at reforming Private Members' Business.

#### Other Matters

On Wednesday, February 6<sup>th</sup>, tributes were paid in recognition of the 50<sup>th</sup> anniversary of the accession to the throne of Her Majesty Queen Elizabeth II. On Monday, February 18<sup>th</sup>, at the beginning of the sitting, the Speaker expressed condolences on behalf of all Members for the death of Her Royal Highness, Princess Margaret and the House rose for a moment of silence in her memory. The same day **John Harvard** (Lib.) paid tribute to the memory of **Horace "Bud" Olson**, (Lib), a former Member of the House of Commons and Cabinet Minister. The House also commemorated the six-month anniversary of the tragic events of September 11<sup>th</sup>, with a one-minute period of silence in memory of the victims and rescue-workers that lost their lives in the wake of the terrorist attack. On Tuesday, April 9<sup>th</sup>, the House rose for a minute of silence in honour of the memory of Her Majesty Queen Elizabeth, the Queen Mother. The sitting of the House was suspended that day for several hours to allow Members to attend a memorial service in her honour. The House also paid tribute on April 18<sup>th</sup>, to the four Canadian soldiers who died and the

eight who were injured following the accident near Kandahar in Afghanistan.

Tributes were paid to **Preston Manning** (CA) on January 31<sup>st</sup> on the occasion of his departure from the House of Commons and on February 1<sup>st</sup> the Speaker informed the House that a vacancy had occurred in the riding of Calgary Southwest, by reason of the resignation. The Speaker announced two other vacancies on April 8<sup>th</sup> following the resignations of **George Baker** (Lib.) and **Raymond Lavigne** (Lib.). Both were appointed to the Senate. By-elections were to be held in May in these three ridings as well as in the ridings left vacant previously by **Brian Tobin**, **Alfonso Gagliano**, **Herb Gray** and **Ron Duhamel**.

Special tribute was paid to one of the country's longest serving Members of Parliament, **Herb Gray** on March 13<sup>th</sup>. The former Deputy Prime Minister held his seat of Windsor West for almost 40 years, having first been elected in 1962. Following a motion by the Government House Leader, which was endorsed by all parties, Mr. Gray was invited to sit at the Bar of the House to hear tributes paid to him by all party leaders. He then made a short address and was warmly thanked by the Speaker. This was the first time an individual, who did not hold a seat in the House at the time, was invited to sit inside the Bar on the floor of the House for such a ceremony.

A series of tributes were also paid to the athletes who participated in the 2002 Winter Olympic and Paralympic Games held in Salt Lake City (USA). On February 25<sup>th</sup> tributes were paid to the Olympic athletes. This was followed on March 18<sup>th</sup> by tributes for the Paralympic athletes and on April 15<sup>th</sup> the House resolved itself into Committee of the Whole to receive and introduce

both groups of athletes on the floor of the Chamber.

Also of note was the commemoration on April 17<sup>th</sup>, of the 20<sup>th</sup> anniversary of the *Canadian Charter of Rights and Freedoms*. The occasion was marked by speeches by the Prime Minister and representatives of all the opposition parties.

On April 16<sup>th</sup> the new Auditor General of Canada, **Sheila Fraser**, released her 2002 Report raising a number of concerns related to government management and spending. One of the issues related to the fact that departments are paying millions of dollars in grants prior to receiving Parliamentary authorization. Parliament has given authority to the Treasury Board to supplement departmental votes and make "miscellaneous minor and unforeseen expenses not otherwise provided for" through the Contingencies Vote. The Auditor General questioned whether some of the grant payments made with this interim authority were miscellaneous, minor, and unforeseen. She also raised concerns about payment authority and suggested that Parliament examine the wording of the Contingencies Vote to ensure that its intentions for the use of these funds are being met.

**Nancy Hall**

Procedural Clerk  
Table Research Branch  
House Proceedings Directorate



**O**n March 12, 2002, **Louise Harel** was elected President of the

National Assembly by secret ballot. This was the second time the Assembly used the secret ballot procedure. Only one round was required for Mrs. Harel to obtain the majority of votes.

Mrs. Harel is the first woman and the fifty-third person to hold this office since 1792. The Member for Hochelaga-Maisonneuve was elected for the first time in 1981, and subsequently reelected in 1985, 1989, 1994 and 1998. She has held several ministerial and parliamentary offices, particularly as Minister of State for Municipal Affairs and Greater Montreal, Minister of State for Employment and Solidarity, Minister of Income Security, and Minister responsible for Immigration and Cultural Communities.

Mrs. Harel thus succeeds **Jean-Pierre Charbonneau**, who, on 30 January 2002, resigned from his office in order to join the Cabinet.

**François Beaulne** was elected Second Vice-President at the sitting. Mr. Beaulne thus joins incumbent vice-presidents **Raymond Brouillet** and **Michel Bissonnet**.

#### **Second Centenary of the Library of the National Assembly**

It was on March 10, 1802 that the Quebec Members established their first library. On that day, the Members adopted a resolution entrusting the administration of the collection to the Clerk of the House of Assembly, **Samuel Phillips**.

This anniversary constitutes a unique occasion to focus the population's attention on the history of Quebec parliamentarism and of the Library. By the same token, it provides an opportunity to mark the work performed by the past and current members of the Library staff, which contributes on a daily basis to the quality of the debates by meeting the information and documentation requirements of Mem-

bers, the employees of the Assembly, the Press Gallery journalists and researchers, while contributing to the extension of the Library's influence and to the promotion of our documentary heritage.

Several activities and special publications mark this second centenary. First, the Library opened, in its newly renovated quarters, an exhibition on the persons who have been responsible for the Library throughout its existence. Furthermore, four conferences and seminars have been organized on the following themes:

- April 9, 2002: Conference on assistance to parliamentary libraries in developing countries
- May 16, 2002: Conference on the history of the Library
- September 24, 2002: Seminar on the history of parliamentary libraries
- October 31, 2002: Conference on the Library and Members

Furthermore, on September 22 and 23, 2002, the Library of the National Assembly will be hosting the conference of the Association of Parliamentary Librarians in Canada.

For further information, please refer to the article entitled "Bicentennial of the Quebec National Assembly Library" in this issue of the *Canadian Parliamentary Review*.

#### **By-elections**

On April 15, 2002, by-elections were held in three electoral divisions. **Anna Mancuso** and **Lise Thériault**, both of the Quebec Liberal Party, were elected as Members in the ridings of Viger and Anjou, respectively, while in the Saguenay riding, **François Corriveau**, of the Action démocratique du Québec Party won the election.

The party standings of the National Assembly are now as follows: 69 Members of the Parti Québécois;

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51 Members of the Quebec Liberal Party; and 2 Independent Members (Action démocratique du Québec Party); for a total of 122 seats. Three seats remain vacant.

#### **New Version of the Internet site**

In March 2002, the National Assembly launched a new version of its Internet site. This new site, in addition to providing a substantially enriched content, now displays a more detailed format as well as a new navigation bar enabling the user to quickly find the most important sections of the site. Close to one million visits to the site are expected this year, in comparison with 712,891 in 2000-2001. The Internet address of the National Assembly is [www.assnat.qc.ca](http://www.assnat.qc.ca).

**Claudie St-Hilaire**  
Secretariat of the Assembly

#### **Standing Committees**

As mentioned in the previous issue of the Review, several standing committees were required to hold elections in order to fill the vacancies resulting from the Cabinet shuffle of last January.

#### **Chairmen**

**Jean-Guy Paré**, the Member for Lotbinière, was elected chairman of the Committee on Public Finance. Mr. Paré replaces the Member for Drummond, **Normand Jutras**, who was appointed to Cabinet.

As regards the Committee on Culture, the Member for Champlain, **Yves Beaumier**, was elected chairman in replacement of **Jean-François Simard**, the Member for Montmorency, who, after having held this office for ten months, was in turn appointed as Minister.

**Léandre Dion**, the Member for Saint-Hyacinthe, was named chair-

man of the Committee on Agriculture, Fisheries and Food following the appointment of the Member for Marie-Victorin, **Cécile Vermette**, as Deputy Government House Leader. Mrs. Vermette had been chairman of this Committee since November 2000.

**Claude Lachance**, the Member for Bellechasse, was elected chairman of the Committee on Institutions, thus replacing **Roger Bertrand**, the Member for Portneuf, who was appointed to the Cabinet after having been chairman of the Committee for close to three years.

Finally, the Member for Saint-Maurice, **Claude Pinard**, was selected to chair the Committee on Transportation and the Environment, in replacement of **Claude Lachance**, who had been chairman of this Committee since March 1999.

#### **Vice-chairmen**

**Denise Carrier-Perreault**, the Member for Les Chutes-de-la-Chaudière, was elected vice-chairman of the Committee on Social Affairs, replacing **Yves Beaumier**.

The members of the Committee on Education elected the Member for Saint-Jean, **Roger Paquin**, as their new vice-chairman, **Serge Geoffrion**, the Member for La Prairie, having left this office to chair the Parti Québécois caucus.

#### **Consideration of the Estimates**

As is customary each year, the committee members examined the estimates of expenditure for 2002-2003. Between April 10 and 30, the Assembly thus only took Routine Proceedings in order to allow this important annual exercise to be carried out, an exercise which takes up some two hundred hours of the committees' work schedule.

#### **Other Committee Work**

In February, the Committee on Social Affairs held a general consultation on the draft bill entitled *Quebec Health Card Act*. This draft bill proposes that a chip card, to be called "health card", replace the health insurance card presently issued by the Régie de l'assurance-maladie du Québec. This new card would make it possible to identify and authenticate the card holder, but would also provide his personal medical summary.

The Committee received 49 briefs and heard 42 individuals and organizations within the framework of this general consultation. Health care providers, users, public protection organizations (Commission d'accès à l'information, Public Protector, etc.), computer specialists and health care facility directors came before the Committee members to give their opinion on this matter.

During recent months, the Committee on Public Finance carried out orders of initiative on the following subjects: the protection of investors in Quebec, responsible investment and the parliamentary control of regulations. An interesting fact to be noted is that, in order to ensure a certain degree of flexibility in the organization of its proceedings, the Committee decided to appoint three working committees responsible for, among other matters, identifying mandates and preparing an action plan for each, which plan is subsequently submitted to the Committee in a deliberative meeting. These committees are composed of the chairman, a Government Member, an Official Opposition Member, the clerk of the Committee and, in two of the three committees, a researcher from the Documentary Studies Directorate.

In compliance with the provisions of the *Act respecting educational*

*institutions at the university level*, the Committee on Education heard, in March and April 2002, the 19 head officers of educational institutions at the university level on their 1999-2000 annual reports. During these hearings, the Members examined particularly the performance agreements and the first follow-up reports stemming therefrom as well as the issue concerning university research.

**Denise Léonard**  
Committees Secretariat  
Translated by **Sylvia Ford**  
Secretariat of the Assembly



## Alberta

The Spring Sitting of the Second Session of the Twenty-Fifth Legislature adjourned on May 14, 2002 after 37 sitting days. At the conclusion of the sitting, 28 Government Bills, 3 Private Members' Public Bills and 1 Private Bill were passed by the Assembly. Three Government Bills were left on the Order Paper.

The second session began on February 26, 2002 with the Speech from the Throne, delivered by Alberta's Lieutenant Governor, **Lois Hole**. It began with a moment of silence to mark the passing of **Princess Margaret** and former Lieutenant Governor **H.A. (Bud) Olson** and an expression of support and appreciation for the armed forces serving in Afghanistan. The speech focused on

initiatives to enhance the health, education and economy of the province.

Some of the Bills passed during the spring sitting include:

- Bill 9, *Child Welfare Amendment Act 2002*, introduced by Children's Services Minister **Iris Evans**, amends the current legislation to facilitate the inter-provincial movement of children with child welfare involvement and streamlines the process for obtaining emergency apprehension orders;
- Bill 12, *Education Services Settlement Act*, introduced by Learning Minister **Lyle Oberg**, establishes a three person Arbitration Panel, with one member appointed by the Alberta Teachers' Association, one by the Alberta School Boards Association with the Chair appointed by the Minister of Human Resources and Employment, to settle a breakdown in negotiations for a new collective agreement between teachers and several school boards;
- Bill 20, *Justice Statutes Amendment Act, 2002*, introduced by Minister of Justice **David Hancock**, amends several statutes including the *Fatal Accidents Act* to provide for increased entitlements for surviving adults and children – the *Survival of Actions Act* is also amended to bring Alberta in line with other western Canadian jurisdictions by restricting compensation to a deceased's estate to actual financial losses resulting from death, not for future or anticipated losses;
- Bill 26, *Workers' Compensation Amendment Act, 2002*, introduced by Human Resources and Employment Minister **Clint Dunford**, amends the Act by, among other things, ensuring the independence of the WCB Appeals Commission by separating it from the WCB, providing that Appeals Commission staff will no longer be WCB employees and creating a medical panel to resolve differences in medical opinion that affect a worker's claim;

- Bill 29, *Intestate Succession Amendment Act, 2002*, introduced by Minister of Justice **David Hancock**, provides for the right of an "adult interdependent partner", defined as "a person in a common law or same sex relationship of at least three years or where there is a child of the relationship", to share in the estate of that person's partner should the partner die without a will. Bill 29 was introduced in response to an Alberta Court of Queen's Bench ruling that struck down the parts of the *Intestate Succession Act* as unconstitutional.
- Bill 30, *Adult Interdependent Relationships Act*, was introduced by Attorney General and Government House Leader **David Hancock** just prior to the adjournment of the Spring Sitting and has been held over for further consideration in the fall. The Bill amends several Alberta Acts that set out financial and property benefits and responsibilities for people in non-married relationships that involve economic and emotional dependency. The Bill covers a range of personal relationships that fall outside the traditional institution of marriage, including platonic relationships where two people agree to share emotional and economic responsibilities, common law or same sex relationships of not less than three years and relationships of some permanence where there is a child of the relationship.

## Budget 2002

On March 19, 2002, Minister of Finance **Patricia Nelson** presented the Budget and estimates for the 2002-03 fiscal year. The Budget Speech noted the challenges faced by the province due to the dramatic drop in the price of oil and gas and the economic uncertainty caused by the events of September 11. She reaffirmed the Government's commitment to balancing the provincial budget while maintaining funding in priority areas. The Budget in-

creases the base budget for the Department of Health and Wellness by \$468 million to \$6.8 billion, an increase of 7.3 per cent. The Department of Learning also received an increase in its budget of 4.7 per cent to \$4.7 billion, while the Department of Children's Services received an increase of \$675 million – an increase of 4.2 per cent. The Minister projected total revenues of \$20 billion for 2002-03, a decline of \$1.7 billion or 5.6 per cent from 2001-02. Expenditures were projected to be \$19.2 billion, a reduction of \$1.7 billion or 8.1 per cent from the previous fiscal year. Revenue from natural resources is expected to decline 37 per cent from last year.

#### Private Members' Public Bills

Three Private Members' Bills were passed during the Spring Sitting. They were:

- Bill 202, *Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act*, sponsored by **Mary Anne Jablonski** (PC, Red Deer North), allows a Director appointed under the Act to immediately direct a person responsible for a polluting substance to restore the area affected by the release of the substance to the Director's satisfaction;
- Bill 205, *School Trustee Statutes Amendment Act, 2002*, sponsored by **Mary O'Neill** (PC, St. Albert), disqualifies employees of school boards, charter schools or private schools from election as school board trustees, unless on a leave of absence, and strengthens the disclosure requirements for trustees of pecuniary interests.
- Bill 206, *Fisheries (Alberta) Amendment Act, 2002*, introduced by **Ray Danyluk** (PC, Lac La Biche-St. Paul), allows the Minister responsible to order any measures deemed necessary to reduce the number of bird or animal species which are harming, or have the potential to harm, fish or fish habitat.

#### Privilege

**Brian Mason** (ND, Edmonton-Highlands), raised a purported question of privilege on March 11 alleging that Premier Klein had misled the Assembly by stating that Bill 12 was not a punitive action against Alberta teachers. He alleged that this statement was misleading in light of his reading of the provisions of the Bill. On March 12, Speaker Kowalski ruled that the provisions of the Bill were open to various subjective interpretations, that the matter was best characterized as a disagreement among members of the Assembly, and accordingly, there was no *prima facie* question of privilege.

On March 14, Mr. Mason again rose on a purported question of privilege. He alleged that the Leader of the Official Opposition, in nominating two members to the Electoral Boundaries Commission, had failed to consult with the leader of the third party New Democrats as required by the *Electoral Boundaries Commission Act*. In accordance with the Act, the Speaker appointed four members to the Commission on March 14. Dr. **Ken Nicol**, Leader of the Official Opposition, confirmed that he did not consult with the third party based on his interpretation of the statute.

In his March 18 ruling, Speaker Kowalski noted that while the nomination and appointment of the members of the Commission involves certain actors in the Assembly, it does not involve the Assembly itself. Therefore, while a very serious issue, the failure of the Leader of the Opposition to meet his statutory obligation to consult the Leader of the third party did not constitute a *prima facie* question of privilege. In the interests of fairness and compliance with the statutory requirements he declared the appointments of Official Opposition's

nominees a nullity. Ultimately the same two individuals were nominated by the Leader of the Official Opposition after consultation with the Leader of the third party.

Official Opposition House Leader, **Debby Carlson** (Liberal, Edmonton-Ellerslie), raised a purported point of privilege on March 19, alleging that Solicitor General, **Heather Forsyth**, had deliberately misled the House in a series of answers to questions posed to her in the Assembly. Ms Carlson alleged that the answers, concerning the classification and reporting requirements for sexual offenders on probation, were contradictory and at odds with the policy manual of the Solicitor General's own department. In response, the Minister indicated that it was not her intention to deliberately mislead the Assembly. She went on to clarify the responses she had made to the questions at issue. On March 20, Speaker Kowalski ruled that while there was an inconsistency in the Minister's statements, there was not a *prima facie* question of privilege. He noted that it would be difficult for him to conclude that a contempt of the House arose every time a Minister misstates departmental policy.

On April 11, Ms Carlson again rose on a purported point of privilege, contending that the Minister of Finance Patricia Nelson and Premier Klein were in contempt of the Assembly by allegedly not complying with the Financial Administration Act with respect to certain supposed financial arrangements involving the Swan Hills waste treatment plant. The Government argued that the provisions in question were never triggered. In his April 16 ruling, Speaker Kowalski stated that for there to be a *prima facie* question of privilege there had to be some link to the proceedings of the Assembly which demonstrates

how a member's rights were interfered with, and that such a link had not been demonstrated. He went on to indicate that he was being asked to give a legal interpretation of the *Financial Administration Act* which was not the role of the Chair. Accordingly, he ruled that there was not a *prima facie* question of privilege.

On April 15, **Hugh MacDonald** (Liberal, Edmonton-Gold Bar) raised a purported question of privilege based on the refusal of his request to access Hansard's audio tapes of proceedings of the Assembly in order to determine whether a particular interjection had been made by another Member. Mr. MacDonald stated that he had been told that requests for access to audio recordings would only be granted in relation to his own comments in the Assembly and not those of another Member. The second basis of the purported question of privilege related to the accuracy of Hansard in relation to proceedings. Mr. MacDonald stated that an interjection of another Member, which he clearly heard in the Assembly, had not been recorded in Hansard.

Speaker Kowalski ruled that there was no *prima facie* question of privilege and characterized the purported question of privilege as a matter related to the administration of the Assembly. He noted that the purpose of the recordings is to facilitate the publication of Hansard. He restated the rule that no Member can listen to another Member's remarks without the authorization of the Speaker and that this authorization would only be granted in the most exceptional of circumstances. He pointed out that the policy was not a new one, and had been in place for nearly three decades. Concerning the accuracy of Hansard, Speaker Kowalski indicated that it is a well-established principle that Hansard does not report injections

unless they elicit a response from a person recognized by the Chair.

Deputy Premier and Minister of Agriculture, Food and Rural Development **Shirley McClellan** raised a purported question of privilege on April 15 concerning certain comments attributed to her during Question Period by the Leader of the Official Opposition, Dr. Ken Nicol. He asked her about certain "off-mike" comments he alleged she made about the Calgary Catholic School Board. Mrs. McClellan emphatically denied making the statement. Speaker Kowalski ruled on April 17 and found that Dr. Nicol's question, while a violation of the Standing Orders of the Assembly, did not constitute a *prima facie* question of privilege. At the Speaker's invitation, Dr. Nicol apologized and withdrew the comments.

#### Other Matters

Speaker Kowalski hosted a ceremony recognizing the Muslim Festival of Eid-ul-Adha in the Rotunda of the Alberta Legislature Building on Tuesday March 5, 2002. Eid-ul-Adha means "Festival of Sacrifice", and is celebrated by Muslims worldwide.

On Monday March 18, 2002, **Prince Michael** of Kent (KVCO), a cousin of the Queen, addressed the Members of the Legislative Assembly from the floor of the Chamber as part of the Golden Jubilee celebration of Queen Elizabeth II's ascension to the throne. Members gave their unanimous consent for Prince Michael to address the Assembly.

The same day Speaker Kowalski hosted a ceremony in honour of Alberta's Francophone community. Joining the Speaker at the ceremony were Dr. Nicol, Leader of the Official Opposition, **Raj Pannu**, Leader of the New Democrat Opposition,

**Denis Ducharme**, (P.C. Bonnyville-Cold Lake) Chair of the Francophone Secretariat, and **Ernest Chauvet**, President of L'Association Canadienne-Francaise de L'Alberta.

Upon the recommendation of the Standing Committee on Legislative Offices and a resolution of the Assembly, **Brian Fjeldheim** was reappointed Chief Electoral Officer of Alberta and **Robert Clark** was reappointed as Alberta's Ethics Commissioner.

Based on resolutions of the Assembly concurring in the reports of the Select Special Auditor General and Information and Privacy Commissioner Search Committee, chaired by **Janis Tarchuk** (P.C. Banff-Cochrane), **Frederick James Dunn**, CA, was appointed Auditor General effective June 1, 2002 and **Frank Work** was appointed Information and Privacy Commissioner.

#### By-election

**Doug Griffiths**, (P.C.) won the by-election for the constituency of Wainwright held April 8, 2002 and was sworn in as a Member of the Legislative Assembly on April 29, 2002. Mr. Griffiths is the youngest MLA currently in the Assembly at 29 years of age.

**Robert Reynolds**  
Senior Parliamentary Counsel



#### Senate

Although there was considerable debate in the Senate on a num-

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ber of bills during the spring of 2002, it was clearly the reports of Senate committees that captured the attention of the senators. One committee in particular, the Standing Senate Committee on National Security and Defence chaired by Senator **Colin Kenny** took on an added importance. Since the terrorist attacks on September 11, its study to survey the major security and defence issues facing Canada could not have been more timely. When the committee's report "Canadian Security and Military Preparedness", was tabled in the Senate on March 5, it highlighted the need for increased port security and recommended a substantial increase in the defence budget.

#### Committees

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The National Security and Defence Committee was only one of many committees that were active. The Social Affairs, Science and Technology Committee chaired by Senator **Michael Kirby** tabled Volumes Two, Three and Five of a series of reports on its continuing study of the role of the federal government in health care. Volume Two examined predictable changes within the health care system and Volume Three reviewed health care in other countries. Part 1 of Volume Five outlined 20 principles for restructuring the publicly funded hospital and doctor system. One of the committee's key recommendations called for limits on hospital waiting times. The next stage of its study will include hearings which will focus on how to implement the principles contained in this report. Volume Four, which had been tabled in September 2001, used information from Volumes Two and Three as the basis for public consultations conducted across Canada last fall. Coincidentally, the release of Volumes Two and Three hap-

pened at the same time as the publication of the interim report of the Commission on the Future of Health Care in Canada, headed by **Roy Romanow**.

The Senate adopted the Seventh Report of the Standing Committee on Rules, Procedures and the Rights of Parliament which recommended amendments to the *Parliament of Canada Act* and to the *Rules of the Senate* that would allow for the recognition of other political parties in the Senate. This came about after a Speaker's ruling on a question of privilege raised by Senator **Gerry St. Germain** about the designation of the Leader of the Opposition in the Senate and a request that followed from the Senate for this committee to study the subject of opposition parties.

The Official Languages tabled four reports: The Sixth concerned a resolution adopted by that committee asking for a financial contribution from the federal government to help New Brunswick translate its municipal bylaws; the Seventh Report entitled *Air Canada: Good intentions are not enough* made 16 recommendations concerning the service provided by Air Canada in both official languages; the Eighth gave an account of its consultation with the English and French linguistic minority communities of Canada; and the Tenth concerned a resolution requesting the government to increase funding for the Office of the Commission of Official Languages.

The Standing Joint Committee for the Scrutiny of Regulations tabled its Fifth Report on February 7 which drew the attention of the Senate and the House of Commons to the *Assessor's Rules of Procedures* and their application, in particular, to the *Pesticide Residue Compensation Act*. As well, the Fisheries Committee summarized a series of informal meetings held in Manitoba,

Nunavut, the Northwest Territories and Nunavik in its Fifth report entitled *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled on February 19.

The National Finance Committee presented three reports on its consideration of the Estimates 2002-2003 and tabled a report on a special study entitled *The Effectiveness of and Possible Improvements to the Present Equalization Policy*. After extensive debate on its consideration, the Senate adopted the Ninth Report of National Finance. This report which dealt with the committee's examination of the role of government in the financing of deferred maintenance costs in Canada's post-secondary institutions contained seven recommendations.

The Senate approved two reports from the Internal Economy, Budgets and Administration Committee. One concerned the release of funds to Senate committees for this fiscal year and the other recommended a salary increase for unrepresented employees of the Senate.

#### Speaker's Rulings

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On December 11, 2001, Senator **John Lynch-Staunton**, Leader of the Opposition, raised a point of order to object to the way briefing material was put together by the Department of Transport for the use of the Senate Transport Committee during its consideration of Bill C-44, *An Act to amend the Aeronautics Act*. He complained that the Department of Transport, in anticipating second reading of the bill, had prepared its documents improperly and inadequately. Senator Lynch-Staunton maintained that the department's cavalier behaviour undermined the importance of the Senate and, if allowed to continue unchecked, might push the Senate down the "slippery slope to irrelevance". In his decision on Feb-

ruary 5, the Speaker agreed that the department had been careless in the preparation of its briefing material but it would be the responsibility of the committee, and not the Speaker, to raise a complaint with department officials.

Senator **Anne Cools** rose on a question of privilege on March 14. It seemed to her that remarks made by another senator during debate on Bill S-9, *An Act to remove certain doubts regarding the meaning of marriage* about a B.C. Supreme Court Judge were disrespectful and offensive and constituted a breach of parliamentary privilege. On March 19, the Speaker ruled that Senator Cools' objection was more in the nature of a point of order and did not form a question of privilege.

The Speaker also ruled on a point of order raised by Senator Cools on May 2 in connection with Bill S-20, *An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions*. Senator Cools asserted that it was improper for debate on the bill to proceed with second reading, since Royal Consent had not yet been signified. Furthermore, she questioned the process of obtaining the Royal Consent by the sponsor of the bill, Senator **Terry Stratton**, a private member from the opposition. In his ruling on May 7, the Speaker noted that modern practice allowed private members greater scope in legislative matters and described other ways used by parliamentarians in the United Kingdom to obtain Royal Consent. It was his opinion that the decision of whether to follow the example of the United Kingdom rested with Senator Stratton. The Speaker concluded there was no valid point of order and allowed the debate to continue.

## Royal Assent

Twelve bills received Royal Assent but the enactment of two of these, Bill S-14 and Bill S-22, was notable because they were sponsored by private members and not by the government. Bill S-14, *Sir John A. Macdonald Day and the Sir Wilfrid Laurier Day Act*, sponsored by Senator Lynch-Staunton, proposed the designation of January 11 as "Sir John A. Macdonald Day" and November 20 as "Sir Wilfrid Laurier Day" to honour these extraordinary Prime Ministers. Senator **Lowell Murray's** Bill S-22, *An Act to provide for the recognition of the Canadian horse as the national horse of Canada*, was the subject of interesting discussion on the symbolic significance of this horse and the role it played in the nation's history.

Her Excellency the Governor General, **Adrienne Clarkson**, presided over Royal Assent on March 21 in a ceremony that was broadcast on television.

## Milestones

There are certain occasions of historical significance and importance which require formal recognition by the Senate. Certainly, the death of an immediate member of the Royal Family is an event that demands an appropriate expression of condolence. On April 16, the first sitting day following the death of Her Majesty The Queen Mother on March 30, the Senate paid tribute to the Dowager Queen and adopted a formal motion of sympathy to Her Majesty Queen Elizabeth II.

The 20<sup>th</sup> anniversary of the patriation of the Constitution and the proclamation of the *Charter of Rights and Freedoms* was a much happier occasion. Several senators participated in a vigorous debate on a motion passed on April 17 commemorating the event.

Three new senators, all of them sitting Members of Parliament, were sworn in: **Ronald J. Duhamel** on February 5 and **George Baker** and **Raymond Lavigne** on April 16.

Tributes were paid to Senator **Sheila Finestone** who retired on January 28 and to Senator **Lois Wilson** who retired on April 8 as well as to former senators **Heath Macquarrie** who died on January 2, **Melvin Perry (Poirier)** who died on January 25, **Bud Olson** who died on February 14 and **Finlay MacDonald** who died on March 2.

Mary Mussell  
Senate Journals



## Nunavut

The year 2002 began busily for the First Legislative Assembly with a number of its Standing Committees holding public meetings in which independent officers appeared to present their annual reports and answer questions from Members.

The Information and Privacy Commissioner of Nunavut appeared before the Standing Committee on Government Operations and Services, chaired by **Hunter Akat Tootoo**, MLA for Iqaluit Centre. The Languages Commissioner appeared before the Standing Committee Ajauqtiit, chaired by **David Iqaqrialu**, MLA for Uqqummiut. Both Standing Committee Chairs tabled reports during the Fifth Session on these appearances. Under the Rules of the Legislative Assem-



bly, the Government has 120 days in which to provide comprehensive responses to the reports.

The Auditor General of Canada, **Sheila Fraser** also appeared before the Standing Committee on Government Operations and Services in early February. She presented her first Report to the Legislative Assembly. The Auditor General of Canada is the auditor for Canada's three Northern territories. Committee Members also spent more than a day posing questions to a number of Deputy Ministers and other senior Government of Nunavut officials concerning the observations and recommendations contained in the Auditor General's report. The Standing Committee Chair tabled the Committee's report during the Fifth Session.

The Fifth Session reconvened in Iqaluit on February 20, and prorogued on March 6. A major piece of legislation considered and passed during this time was the new *Legislative Assembly and Executive Council Act*, which enjoyed unanimous support by Members.

The motion for first reading of the Bill was made by House Leader **Kelvin Ng**, MLA for Cambridge Bay. During consideration of the Bill during Committee of the Whole, Chairman of the Legislative Assembly's Management and Services Board **Kevin O'Brien**, MLA for Arviat, appeared at the witness table and responded to questions from both Ministers and Regular MLAs.

The Special Committee to review the *Official Languages Act*, chaired by **Rebekah Uqi Williams**, MLA for Quttiktuq, tabled its Interim Report during the Fifth Session.

The Standing Committee on Community Empowerment and Sustainable Development, chaired by **Glenn McLean**, MLA for Baker Lake, recommended that Bills 16 and 17, which dealt with municipal

governance, be permitted to fall off the order paper, following a number of concerns raised by the Committee. The Committee recommended that the Government introduce revised legislation during the Sixth Session. The Bills fell off the Order Paper when the Session prorogued.

Statistics for the 5<sup>th</sup> Session include:

- 176 Ministers' Statements
- 503 Members' Statements
- 514 Oral Questions
- 14 Written Questions
- 7 Petitions
- 93 Tabled Documents
- 19 Reports of Standing and Special Committees
- 55 Sitting Days

The Sixth Session convened on March 7, with Commissioner **Peter Imiq** delivering the Opening Address. The House entered into a period of extended adjournment at the end of the sitting day. The 2002 Arctic Winter Games, which were co-hosted by Iqaluit and Nuuk, Greenland, took place from March 17-22.

Minister of Education **Peter Kilabuk**, MLA for Pangnirtung, introduced Bill 1, the proposed new *Education Act*, on March 7. The Bill received second reading on April 24, and was referred to the Standing Committee on Health and Education for review. The Committee, chaired by **Jobie Nutarak**, MLA for Tunnunuiq, has announced that it will hold public consultations on the Bill during the fall of this year. Another major legislative initiative currently underway by the Government is the development of a new *Wildlife Act*. This legislation falls under the jurisdiction of the Minister of Sustainable Development,

**Olayuk Akesuk**, MLA for South Baffin.

The Session reconvened on April 24, and sat until May 16. The Minister of Finance **Kelvin Ng**, delivered his fourth Budget Address on April 30. This year, the Minister's new kamiks (sealskin boots) came from the North Baffin community of Hall Beach. Among the initiatives announced in the Budget Address were cuts to the territory's personal and corporate income tax rates.

Because Nunavut has no permanent land links with southern Canada, the annual sealift during the summer and early fall is the primary means by which materials are transported in large quantities to the territory. Following a joint recommendation made by the Standing Committees in the spring of 2001 after the budget review, the Government introduced a modified estimates process in the fall of 2001. Now, the annual capital estimates are introduced during the fall Session to allow for adequate lead-time before the sealift. The main estimates for departmental operations and maintenance expenditures continue to accompany the annual Budget Address. Because of the adjournment to accommodate the Arctic Winter Games, an *Interim Appropriation Act* was passed prior to March 31 to enable the Government to operate into the new fiscal year.

As always, the budget session was dominated by the line-by-line scrutiny given to each department's estimates during proceedings of the Committee of the Whole. Another issue that arose during the Session was the topic of the quality of the gasoline supply in Nunavut. Minister of Public Works and Services **Peter Kattuk**, MLA for Sanikiluaq, appeared before the Committee of the Whole to respond to questions on this issue. A formal motion was passed by the Committee at the end

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of the day on the issue. The motion was introduced by Mr. McLean.

A number of documents of note have been tabled during the Sixth Session, including the latest set of Public Accounts. The Speaker tabled the latest annual report by Nunavut's Integrity Commissioner, as well as a comprehensive list of statutory tabling requirements by Government departments, boards and agencies. The Minister responsible for the Nunavut Power Corporation, **Ed Picco**, MLA for Iqaluit East, tabled the *Ikuma II Report: Meeting Nunavut's Energy Needs*.

During the Sixth Session, **Goo Arlooktoo**, a former MLA in the Northwest Territories, and, for a period of time, the Premier, passed away suddenly at his home in Iqaluit. A number of tributes to Mr. Arlooktoo were made in the House. Mr. Arlooktoo was originally from the South Baffin community of Kimmirut.

Bills passed to date in 2002 are:

- *Technical Standards and Safety Act*
- *Supplementary Appropriation Act, No. 3, 2001-02*

- *Interim Appropriation Act, April 1-June 30, 2002*
- *Supplementary Retiring Allowances Act*
- *Legislative Assembly and Executive Council Act*
- *An Act to amend the Legislative Assembly Retiring Allowances Act*
- *Supplementary Appropriation Act, No. 4, 1999-2000*
- *Supplementary Appropriation Act, No. 3, 2000-01*
- *Supplementary Appropriation Act, No. 4, 2001-02*
- *Supplementary Appropriation Act (Capital) Act, No.1, 2002-03*
- *Appropriation Act, No. 2, 2002-03*
- *Loan Authorization Act, 2002-03*
- *An Act to amend the Revolving Funds Act*
- *An Act to amend the Property Assessment and Taxation Act*
- *An Act to amend the Legislative Assembly and Executive Council Act*
- *An Act to amend the Land Titles Act*

In early October of this year, Her Majesty Queen Elizabeth II will visit Iqaluit for the second time during her reign. She first visited Iqaluit (then known as Frobisher Bay) in 1970. She will be accompanied during her visit by the Governor General and the Prime Minister, and is expected to take part in ceremonial events in the Chamber.

The Sixth Session will reconvene on October 28, 2002, in Pangnirtung. The Pangnirtung sitting will mark the third time that the Assembly has sat outside of the capital. The Assembly will return to Iqaluit in mid-November, when anticipated items of House business will be the 2003-04 capital estimates, a new *Elections Act* and new legislation concerning municipal governance.

Further information on Nunavut is available at: [www.assembly.nu.ca](http://www.assembly.nu.ca), [www.gov.nu.ca](http://www.gov.nu.ca) and [www.nunavutcourtofjustice.ca](http://www.nunavutcourtofjustice.ca).

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