
Legislative Reports

New Brunswick

On Tuesday, March 19, Lieutenant-Governor Gilbert Finn delivered the fourth and possibly last Speech from the Throne of the 51st Legislative Assembly of New Brunswick.

The government proposes strategies and discussion in the areas of education, social services, business and environment as well as initiatives in the area of political reform.

The government will invest in the development of New Brunswickers by implementing a public kindergarten, increasing literacy and access to training courses and by strengthening opportunities for aboriginal peoples.

Those in need will receive support through a number of initiatives including a new Food Nutrition Policy, additional day care, enforces maintenance for court ordered support payments and attendant care to increase independence for the disabled.

Proposed economic investment includes an Entrepreneurship Education Program for both the school system and the university to establish links with the business community and to foster positive entrepreneurial attitudes. Initiatives are planned through a new Food Production and Processing Policy. The largest road construction

program in the history of the province is proposed.

The government will appoint a Commission on Land Use and the Rural Environment and will introduce a number of environmental initiatives.

A Commission on Representation and Electoral Boundaries will be established to consider electoral reform and address provisions for improved representation of aboriginal peoples.

Budget

Finance Minister Allan Maher's fourth budget, brought down on Tuesday, April 2, did not include layoffs. Instead it deals with the financial problem created by federal cutbacks through curbing spending while investing in people and creating jobs.

The Budget will reduce the size of the government while protecting the health and education systems and the social safety net.

The government proposes to freeze wages for one year for elected representatives, the civil service, school and health care systems; restrict grants to municipalities; reduce departmental allocations; downsize the public sector through attrition; and recover higher costs on selected government fees. Restraint measures proposed in this year's budget include a roll-back in the salary increases of all cabinet ministers and MLAs retroactive to January 1, 1991. Individual expense account limits for the Premier and cabinet ministers, will be reduced by 25 per cent.

Grants under the *Political Process Financing Act* will be frozen at the previous year's level. Per diems for MLAs will also be frozen and stipends for Members serving on Boards and Commission will be reduced by 4.6 per cent.

Funds from the Arterial Highway Trust Fund will be used to modernize the highway system and the Environmental Trust Fund for a broad range to environmental activities.

The government will increase basic rates for social assistance; increase care for the disabled; implement a plan to eliminate the unfunded liability of the Public Service and Teachers' Pension Plans; provide funding for the Bi-Capitol Theatre Project and the New Brunswick Museum; and provide financial assistance to the Congrès mondial acadien, and international homecoming for Acadians planned for 1994. It will increase personal income tax for those in the \$100,000 income range; increase the standard corporate tax rate; and increase motor vehicle fees.

The government continued the practice established last session which accorded the Leaders of the Registered Political Parties the privilege of appearing at the bar of the House to ask questions and present petitions.

The Legislative Assembly in conjunction with the Association of Clerks-at-the-Table in Canada sponsored the Second Annual Student Legislative Seminar, March 22-24. Clerk of the Legislative Assembly of Ontario, Claude DesRosiers, a guest Speaker,

presided over the Model Parliament held on the last day of the Seminar.

Several Members of the Legislature have already indicated that they will not be candidates in the election which is expected to be called before fall: Minister of Housing, Peter Trites, Minister of Natural Resources and Energy, Morris Green, Kal Seaman, Harold Terris, Doug Harrison and Pete Dalton.

Loredana Catalli Sonier
Clerk Assistant
New Brunswick Legislative
Assembly

Senate

After the Christmas interlude, following the raucous debate over the passage of the GST legislation, the Senate has slowly reverted to cautious co-operativeness on both sides. Early in the new year, tension over C-43, the abortion legislation, created temporary but deep new divisions along non-partisan lines, blurring somewhat the divisions over the GST. By mid-April, the Senate was proceeding in a manner reminiscent of the days prior to the hotly contested legislation seen in the last year or so. Whether this renewed attitude will continue remains to be seen as both Houses await the anticipated prorogation and Throne Speech of the new Session.

Twenty-three pieces of legislation have passed and received Royal Assent since the Senate resumed work in January. Of note were Bill C-40, *An Act Respecting Broadcasting*; and Bill C-84, *An Act to Privatize Petro-Canada*. Bill C-79, *An Act to*

amend the Parliament of Canada Act, also received Royal Assent after amendments were adopted by the Senate and agreed to by the House of Commons.

Bill C-43, *An Act Respecting Abortion*, was the object of intense interest by those deeply involved in the issue, both inside and outside of Parliament. A tie vote on January 31 resulted in the bill being defeated.

Committee Reports

The Social Affairs, Science and Technology Committee issued a report entitled "Children in Poverty", March 6, 1991 as a follow-up to the report "Child at Risk", published a number of years ago.

The Committee on National Finance tabled "The Program Evaluation System in the Government of Canada". In its continuing review of government expenditure under the theme "Value for Money", the National Finance Committee was to ascertain the extent to which evaluation findings, as opposed to political and other factors, were taken into account when decisions were made to cut programs. The Committee concluded that in order to improve the accountability of the government to Parliament it may be sufficient to improve the existing system of program evaluation rather than to scrap it and start over. They stressed, however, that future improvements in the system will require the mandate and capabilities of the Office of the Comptroller General to be strengthened significantly.

The Fisheries Committee tabled "Canadian Lobster: A Marketing Challenge", which outlined the steps it feels the Government should follow in order to make Canadian lobster products more competitive abroad. Moreover, it exhorts the

industry to co-operate in developing generic marketing strategies and intelligence.

Blair Armitage
Committee Clerk
The Senate

Manitoba

The second session of Manitoba's Thirty-fifth Legislature opened on March 7. Lieutenant-Governor George Johnson read the Speech from the Throne emphasizing the government's commitment to managing the impact of the recession on Manitoba while protecting vital social services: Health Care, Education, and Family Services. "With minimal revenue growth, reduced federal transfers and growing interest costs, the province is in danger of becoming ensnared in a trap of spiralling debt costs that will rob us of our chance for economic prosperity and limit our ability to protect even the most fundamental social services," he said.

To achieve the goal of fiscal responsibility, the speech outlined three key elements. These included internal reform of government to reduce administration and duplication and to develop innovative management approaches; clear spending priorities that will distinguish between what people "would like," and what they "need," the government to provide; and a 3 percent envelope for public sector wage settlements.

The Throne Speech stressed that agriculture, health care, post-secondary education, and other areas which rely on

equalization funding are being seriously affected by declining federal support with the erosion of transfer payments. The government indicated it would do everything in its power, including seeking out additional legal vehicles, to fight such fiscal actions by Ottawa. To this end, a special Cabinet Committee for Federal Provincial Economic Relations will be established.

Specific initiatives announced in the speech focus on plans for community-based services, programs to deal with issues of substance abuse, and the care and treatment of people suffering from mental illness. In education, a new finance model will be looked at, school boundaries will be reviewed and the province's three community colleges are to be incorporated under individual Boards of Governors.

To help the farm economy, an Agricultural Diversification Task Force will be created, while in the environmental, telecommunications and information industries there will be an increased emphasis on development. A high priority also will be maintained for "the successful health industry and aerospace strategic initiatives."

Premier Gary Filmon's government indicated it will be presenting a comprehensive package of legislation to the House in this session. Major amendments to *The City of Winnipeg Act* will be presented to reduce the size of City Council and to create new ward boundaries. Proposed amendments to *The Public Utilities Board Act* would allow service to be discontinued to natural gas customers with delinquent accounts.

In the Throne Speech the government noted that it anticipates tabling several significant reports in the Assembly during this session.

These include reports from the Task Force on Governance of Francophone Schools, the Aboriginal Justice Inquiry, the Review on Domestic Violence and the Manitoba Constitutional Task Force. Also to be tabled will be Manitoba's first State of the Environment report, a benchmark document which will assist governments in assessing the progress this province is making towards sustainable development.

Gary Doer of the New Democratic Party, Leader of the Official Opposition, and Liberal Leader Sharon Carstairs both moved amendments to the Motion for an Address in Reply to the Speech from the Throne. Their motions expressed non-confidence in the government primarily for failing to stimulate economic growth, eroding the quality of health care, education and family services, and neglecting to address the concerns of farmers, and northern and aboriginal people. Both were defeated.

In the House a number of bills have been introduced to date to deal with the government agenda outlined in the Throne Speech. These include *The Mines and Minerals and Consequential Amendments Act*, which contains the first changes to this legislation in almost 40 years. The proposed amendments are intended to encourage private sector investment consistent with sustainable development initiatives, and to clarify the rules under which developers must operate in Manitoba.

The Mental Health Amendment Act, introduced by Health Minister Don Orchard, is designed to strengthen the rights of mental patients. The proposed amendments would give the closest relative of an involuntary mental patient, instead of the public trustee, the right to make decisions about the patient's treatment. The

proposed legislation would also ease the way for professional bodies representing psychiatrists, psychologists, or psychiatric nurses to conduct, where necessary, more thorough reviews of the professional conduct of members of these professions by gaining greater access to confidential mental health records.

The Interim Appropriation Act, 1991, and *The Legislative Assembly Amendment Act* received Royal Assent early in the session.

The Legislative Assembly Amendment Act freezes MLA basic remuneration at the current rate of \$41,946 until March 31, 1992 and reduces the amount of the constituency and access allowance which would have been payable on April 1, 1991 by 10 percent. It also prescribes the terms and conditions on which a member, "...on ceasing to be a member, may acquire for his or her own use property purchased with a constituency and access allowance" and reduces the number of annual householder mailings each member may have printed and mailed, at government expense, from three to two.

Finance Minister Clayton Manness stated that "At a time when we are asking all Manitobans to tighten their belts, it is only appropriate that we as legislators take a leadership role and not expect others to take steps that we are not prepared to take ourselves."

As a result of actions taken by government security staff to restrict access to the Legislative Building during a major student demonstration protesting funding cuts for post-secondary education, two related matters of privilege were raised by members of the New Democratic Party.

In both instances the Speaker ruled that no matter of privilege existed. In addressing the issues raised by the motions, he stated that

it had not been demonstrated that the events described were part of a proceeding in parliament nor that these events had interfered with any member's ability to carry out his parliamentary responsibilities.

In elaborating on his ruling the Speaker cited a Supreme Court of Canada decision which stated that "the liberty of access which the public has to attend the proceedings of the House of Assembly and its Committees and to visit the precincts and rooms of the House is not a right but a license or privilege capable of being revoked." In conclusion, Mr. Speaker said that "...there is no *inherent right* for any person under any circumstances to enter this or any other public building."

Speaker **Denis Rocan** then announced that he would meet at the earliest opportunity with the three House Leaders and the Minister of Government Services to resolve the issues of security and access to the Legislative Building.

On April 16, **Gary Filmon's** Progressive Conservative government presented its fourth budget. In introducing the government's fiscal strategy, Finance Minister **Clayton Manness** stated that "Manitobans have all the government they can afford. It is time for us to live within our means."

He then outlined the key economic indicators for the province. Total anticipated revenue, including transfers of \$20 million from Lottery revenues and \$125 million from the Fiscal Stabilization Fund, is \$4.9 billion, 2.5 percent above last year's estimate. Overall spending is up \$160 million or 3.2 percent, with particular priority given to Health, Family Services, and Education and Training, while the deficit is expected to be \$324 million.

Specific items in the budget include no increase in retail sales

tax, nor personal or corporate income tax. However, tobacco tax is increased by one cent per cigarette and gasoline tax by 1.5 cents per litre, with the environmental protection tax levied on nonreturnable beer cans increased from 5 cents to 10 cents.

While the government did not harmonize the Manitoba retail sales tax with the goods and services tax in this budget, Mr. Manness gave notice that his officials will be carefully studying the full implications of doing so for future consideration. Another new taxation initiative is the conversion of provincial tax credits into regular monthly payments for social allowance recipients.

As a work force adjustment strategy, the budget provided for a significant staffing reduction of some 958 staff years, or about 5 percent of the total provincial Civil Service. Through a combination of early retirements, normal attrition, and work force adjustment incentives, between 375 and 450 permanent layoffs are expected in the Civil Service.

In response to the budget address, **Gary Doer** criticized the government for what he saw as removal of "investment in our public infrastructure system," at the same time that the private sector is "falling apart like a house of cards." Similarly, **Sharon Carstairs** felt that "Cuts to funding for infrastructure in the areas of transportation, communication and education will cripple our economy in the future, as will cuts to programs providing start-up capital to new and high value-added businesses."

Both opposition parties moved amendments of non-confidence in the budget. However, these were defeated by the majority PC government on April 25, and the motion approving "in general the budgetary policy of the

Government" was subsequently passed.

The beginning of the new session saw some changes in Cabinet, with two first-term members accepting positions. **Linda McIntosh**, Member for Assiniboia, was named to the Co-operative, Consumer and Corporate Affairs portfolio and **Eric Stefanson**, Member for Kirkfield Park, was appointed Minister of Industry, Trade and Tourism.

Other changes included the appointment of **Richard D. Balasko** as Chief Electoral Officer, a position he had held on an acting basis for almost two years, and a new Sergeant-at-Arms, with **Dennis Gray** replacing **Clifford Morrissey** who resigned.

W.H. (Binx Remnant)
Clerk

Manitoba Legislative Assembly

Saskatchewan

On April 11, 1991 the Fourth Session of the Twenty-first Legislature resumed after being adjourned since June 22, 1990. Through the introduction of some twenty bills in the course of the following two weeks, the government put forward an agenda for the session that included agricultural support, deficit elimination, and a series of democratic reforms.

Election of Speaker

In recalling the Legislative Assembly, Premier **Grant Devine** announced that the first order of business would be to implement new rules for the election of Speaker by secret ballot. On April 4, the

Special Committee on Rules and Procedures met to consider election rules and procedures proposed by government House Leader Grant Hodgins. In his remarks to the committee (chaired by the Speaker), Mr. Hodgins outlined the main features of his proposal as follows:

- All Members except Ministers and Leaders of recognized political parties are eligible for election;
- An eligible Member can become a candidate by filing a written declaration with the Clerk;
- The vote would be conducted by secret ballot;
- A candidate must receive a majority of votes cast to be elected;
- The Clerk will preside for the election.

While supporting the proposition, Opposition House Leader Dwain Lingenfelter questioned what he described as a sudden desire on the part of the government to elect a Speaker so close to the end of the current Legislature. He suggested that the government's motivation was to improve its political image before the up-coming general election. The government stated its motivation was to heighten the impartiality of the Chair by making the selection process non-partisan. The committee did adopt the rules, which were agreed to by the Assembly on April 11. For his part, Speaker Arnold Tusa stepped down from the Chair to accommodate the wish of the House to elect a Speaker under the new rules. On April 12 the new rules were implemented and Mr. Tusa was declared elected by acclamation.

Electoral Boundaries

After the election of Speaker, the Assembly immediately turned its attention to the pressing question of the province's disputed electoral boundaries. Since the passage into law of *The Representation Act, 1989* and *The Electoral Boundaries Commission Act* in August 1989, there has been much controversy whether certain provisions of these acts are constitutionally valid, particularly the rules for determining constituency redistribution. In December of 1990 Attorney General Gary Lane referred the matter to the Saskatchewan Court of Appeal, under authority of section 2 of *The Constitutional Questions Act*, to decide whether the variance in the size and distribution of the province's electoral boundaries infringed on citizens' voting rights. On March 6, 1991, the Court concluded that the legislative framework at issue did infringe on the voting rights guaranteed under the *Canadian Charter of Rights and Freedoms*.

The immediate consequence of the ruling was that the electoral process, which had already begun by virtue of the fact that Premier Devine's government is in its fifth year since the last election, was put into a state of flux. Nominations in many of the new constituencies had already begun so those candidates suddenly found themselves contesting seats that have an uncertain future.

The Court of Appeal decision was appealed to the Supreme Court of Canada, which is expected to hear the case on April 29. In the meantime the Assembly reconvened and on April 12 the government introduced new legislation to revise the electoral boundaries in accordance with the Saskatchewan Court ruling. During

the debate on Bill 52, *An Act to provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly*, Attorney General Gary Lane stated that if the Supreme Court overruled the Saskatchewan Court of Appeal, then the election would be fought on the basis of the 1989 boundaries. The bill proceeded and received Royal Assent on April 16 but not before the Opposition's democratic reform critic, Bob Pringle, expressed a view that Bill 52 signified the government's "scrambling attempt to resolve electoral chaos," in the face of what he described as its record of "disregard for democratic rights." Needless to say, the many Members of the Assembly who have already gone through the nomination process now await the decision of the Supreme Court.

Democratic Reform

Democratic reform, as the government hoped to symbolize with its new rules for election of Speaker, is to be a significant issue during the balance of the fourth Session. At various times both the Conservatives and New Democrats have made pronouncements about legislative and political reform. In November of 1990, the Premier issued a paper called *New Realities and the Public Process* in which he stated that the public expects open and accountable government. In January of this year, the Opposition released its latest reform paper entitled *Democratic Reform for the 1990s*, which contains twenty proposals for change. Both sides of the Assembly have introduced reform legislation.

During the ensuing debates on this issue, the Opposition has questioned the sincerity of each government proposal, arguing that

democratic reform is simply a "deathbed repentance" in the last months before an election. The government continues to maintain that its reforms are made in the "spirit of openness," which was asked for by the people through "Consensus Saskatchewan" (the advisory body set-up by the government in 1990 to gauge public opinion on a variety of issues).

In November of 1990 the Minister of Finance, **Lorne Hepworth**, began the government's reform initiative with the announcement that it was the government's intention to improve public accountability through changes to the *Provincial Auditor Act*. He has followed through with Bill 53, *An Act to amend The Provincial Auditor Act*, which is designed to enhance the independence of the Provincial Auditor. Accordingly, the Bill prescribes many changes including the review of the Auditor's budget by the Assembly's Board of Internal Economy. Historically, this was done by the executive arm of government even though the Auditor is an Officer of the Legislative Assembly. It should be noted that this particular change has been implemented for the current fiscal year.

The Act also provided for the expansion of the Auditor's mandate to enable "value-for-money" audits, so that the efficiency of the government's administration of public funds can be measured. In addressing the Bill, Opposition Members welcomed the changes but qualified their support for the amendments by arguing that in the past the government had "vilified" the Provincial Auditor for performing his duty but, in anticipation of an election, they now promote democratic reform.

Another element of the government's "legislative package of democratic reforms," is a pair of

freedom of information bills. The Attorney General introduced both Bill 70, *An Act respecting a right of access to documents of the government of Saskatchewan and a right of privacy with respect to personal information held by the government of Saskatchewan* and Bill 71, *An Act respecting a right of access to documents of local authorities and a right of privacy with respect to personal information held by local authorities*, with the remark that the bills are to enhance the spirit of open and accountable government at both the provincial and local levels. In both cases, he stated that the measures effectively balance the public right of access and the personal right of privacy. The Opposition's democratic reform critic, Mr. Pringle, argued that the main focus of the bills is exemptions to the kinds of information which the government does not want to make available to the public. He maintained that Saskatchewan's freedom of information policy would be the weakest in Canada if the Minister's bills are adopted in the present form. At the beginning of the current session Mr. Pringle had himself introduced a freedom of information bill.

A further reform initiative is Bill 69, *An Act respecting Referendums and Plebiscites*, which is designed by the government to provide a mechanism for direct input of the public on major issues. In explaining the Bill, the Attorney General stated that the proposed binding referendum process and non-binding plebiscite process would provide an exact opinion of the electorate on any given matter. For a referendum to be binding, at least 50 per cent of the eligible electorate must vote and the 60 per cent or more of those must vote the same way. The Minister also made the distinction between a referendum, which can be put forward only by

cabinet, and a plebiscite, which can be put forward by the public but is not binding. Opposition critic **Herman Rolfes** questioned whether the government was really interested in participatory democracy when its legislation gives cabinet discretionary power over calling a referendum.

Part of the Opposition's own reform package is Bill 68, *An Act to amend The Legislative Assembly and Executive Council Act*, put forward by Mr. Pringle to limit to six months the period between the time a seat in the Assembly becomes vacant and when a by-election must be called. The Opposition points out that of the four present vacancies, two of the constituencies have been without a member for 15 months and the other two have been vacant for nine months. At present there is no stipulation when by-elections must be called and the Premier has defended his government by arguing that by-elections would be pointless so close to a general election.

Budget

On April 22, **Lorne Hepworth** delivered a budget that contained a financial plan that the Minister claimed would lead Saskatchewan to fiscal recovery. Noteworthy was the announcement that by 1993-94, his government would balance the provincial budget.

Details include measures to control public sector wages, internal government spending and the harmonization of the provincial sales tax with the federal government's goods and services tax. The Minister also indicated that a number of assistance programmes such as the Mortgage Protection Plan and Urban Revenue Sharing would be cut-back as well as the budgets of all government departments except Agriculture,

Health and Education. Those three areas remain a priority for the government. As well, the government will spend \$133.3 million on the GRIP and NISA agricultural programmes. Separate bills on these programmes have been introduced in the Assembly and have become the central agricultural issue to date.

The Leader of the Opposition, **Roy Romanow**, responded to the Budget address with an indictment of the Devine government's nine years of deficit budgets and the province's accumulated debt of \$5 billion. In his address, Mr. Romanow responded to the main points of the budget and announced his own six point plan for economic recovery.

Members Pay and Severance

In response to the present economic situation and public pressure, the Board of Internal Economy has decided to roll-back Members' salary increases for 1991 and to eliminate the Members' severance allowance.

The salary roll-back means that Members will not receive the usual cost of living adjustment this year on their annual indemnity or expense allowance, nor will the adjustment be applied to the allowances for additional duties paid to the Speaker and Deputy Speaker, Leader of the Opposition, committee chair persons, etc. The government also announced that Ministers and Legislative Secretaries would not be receiving pay increases.

In Saskatchewan there has been much public criticism and political controversy over the severance allowance Members had been eligible for since May of 1988. Under the abolished plan, severance was paid according to the average of the Member's highest four years of

income, divided by 12 and multiplied by the number of years they had been a Member. A Member's severance could be no less than half a year's salary and no more than a full year's salary.

Gregory A. Putz
Clerk Assistant
Saskatchewan Legislative
Assembly

Alberta

The Third Session of the Twenty-second Legislature began on March 14, 1991 with the reading of the Speech from the Throne by the Hon. **Gordon Towers**. Mr. Towers, a former Member of Parliament was installed as the new Lieutenant-Governor on March 11. He replaced the Hon. **Helen Hunley**, who served as Lieutenant-Governor for the Province of Alberta for six years.

Among the initiatives outlined in the Throne Speech, and subsequently passed by the Legislature was the establishment of a Select Special Committee of the Legislature, which will conduct public hearings on the constitutional future of Canada from May 24 to June 1. This 16 member all-party committee will solicit input from Albertans across the province in order to identify their priorities for constitutional reform. The Legislative Assembly will develop a position on the issue after the hearings have taken place.

The first step towards these talks was taken back in August 1990, when the Constitutional Reform

Task Force of Alberta was created. The Task Force, composed of 10 Conservative MLAs, heard from 13 constitutional experts from across Canada. These presentations helped lay the foundation for the discussion paper, *Alberta in a New Canada*, published in February 1991. The document provides a discussion of the nature of the Canadian federal system of government and outlines some of the constitutional problems Canada is facing.

On March 25 the Solicitor General released the Rolf and Cawsey Reports, both of which address native issues in Alberta. The *Commission of Inquiry – Policing in Relation to the Blood Tribe* was the result of a public inquiry established in 1989 headed by Assistant Chief Justice Rolf. Relations between the RCMP and the Blood Reserve in Southern Alberta were investigated.

Mr. Justice Cawsey chaired the Task Force on the Criminal Justice System and its impact on the Indian and Metis people of Alberta. This Task Force, established in January of 1990 under the auspices of the Governments of Alberta and of Canada, produced the document *Justice on Trial*, which includes recommendations for profound change to the provincial justice system.

Proposed legislative changes announced in the Speech from the Throne include amendments to the *Legislative Assembly Act*. Certain recommendations from the Conflict of Interest Review Panel report of February 1990, including the establishment of an ethics commissioner will be implemented.

**Laura Mensch and
Theresa Roy**
Legislative Interns
Alberta Legislative Assembly

Ontario

Following the resumption of the Ontario Legislature on March 18 after the Winter Adjournment, members heard a number of government announcements elaborating on themes of the November 20 Throne Speech.

On March 20, the Solicitor General, **Mike Farnan**, stated that in view of the Ontario Court of Appeal's decision to uphold the constitutionality of the *Retail Business Holidays Act*, he would be introducing new amendments to the Act to observe a common pause day. This Act deals with the days of operation of retail stores in Ontario. Most retail stores are closed on Sundays and other enumerated holidays. There are exceptions for certain types of stores, essential services, Sabbatarian exemption and, also for those who observe a day of worship other than Sunday.

The second major announcement by the Solicitor General dealt with the introduction of a new employment equity regulation to the *Police Services Act*. The regulation proposes to increase the representation of four groups in the police services across Ontario. The groups are racial minorities, aboriginal persons, women and persons with disabilities. The minister stated that the regulation will provide for fair and equitable employment opportunities for civilian and uniformed police service employees. He further stated that his Ministry would provide support in the implementation of this regulation and they would also monitor the implementation of the regulation with the view to applying sanctions

against police services if they do not comply.

Bud Wildman, Minister of Natural Resources, and also Responsible for Native Affairs, announced that the government has proposed to negotiate with the Algonquins of Golden Lake to resolve a land claim that has been outstanding for more than 200 years. His statement outlined an intent to enter land claim negotiations with the Algonquins of Golden Lake by June 1991 and, to develop agreements with the Algonquins of Golden Lake on hunting and fishing for food in the area they claim as their traditional territory.

The minister acknowledged that the Algonquins of Golden Lake territorial claim includes large parts of the Ottawa Valley, including Algonquin Park, and that the Algonquins of Quebec also claim lands from the province of Quebec. The negotiations would require the involvement of all three levels of government. However, the minister stated that if the federal government was not prepared to be involved, then Ontario would proceed to negotiate on a bilateral basis in those areas of provincial responsibility.

The Environment Minister, **Ruth Grier**, announced 2 major programmes regarding the government's commitment relating to reducing, re-using and recycling (3R) of waste resources. In her first announcement on waste reduction, the minister outlined her plan, (1) to implement strong regulatory measures to reduce at the source the flow of valuable waste resources now going into landfill disposal sites; (2) to develop new financial and technical systems to divert waste resources from the landfill sites into product use and re-use; (3) to aid in the creation of markets for materials recovered through 3R programs; and (4) to introduce

public education programs on the 3Rs.

The second major programme announcement dealt with the problem of waste disposal capacity in the Greater Toronto Area (GTA). The minister proposed that the waste must be disposed of as close as possible to the source of its generation. Legislation will be introduced to establish a new public authority which will have the responsibility of finding a new long-term landfill capacity. The authority is expected to reinforce individual, community and industrial responsibility and action on waste reduction. The minister recognized that in spite of aggressive waste reduction efforts, the capacity of existing short-term facilities could be exhausted before the long-term sites are in operation.

The Labour Minister, **Bob Mackenzie**, introduced new amendments to the *Employment Standards Act*. The first amendment is to establish a programme that will cover workers whose employers have failed to pay wages, vacation, severance and termination pay. The second amendment will enable the government on behalf of employees, in cases where an employer does not or cannot pay, to obtain the money owed to them from the directors and officers of the company by extending the liabilities that presently exist under the *Ontario Business Corporations Act*. The third amendment will establish a new, quicker appeals procedure for both workers and employers to deal with all the aspects of the *Employment Standards Act*.

The minister also stated that the government will be allocating \$175-million to the fund for its first 18 months of operation retroactive to the 1st of October, 1990. Employees of bankrupt or insolvent private companies can claim up to \$5000 from the fund and it is

expected that 50,000 employees will benefit during that period.

The Premier, **Bob Rae**, announced the establishment of two new advisory councils: the Premier's Council on Health, Well-being and Social Justice; and the Premier's Council on the Economy and Quality of Life. These new councils will build on the initiatives of the previous Premier's Council on Health Strategy and the Premier's Council (Technology). They will have an expanded and strengthened mandate to provide the government with advice and research towards the development of long-term strategies to deal with the major challenges that face Ontario. These councils will be chaired by the Premier and the membership of the councils will include approximately 25 representatives of the public, along with several key cabinet ministers.

Zanana Akande, Minister of Community and Social Services, announced that her ministry would implement a new comprehensive reform programme that would fast-track the report of the Social Assistance Review Committee (SARC) (1988). The review committee issued a wide-ranging report that contained 300 recommendations aimed at fighting poverty and assisting people off welfare.

The minister also announced that the government would create a special fund of \$1-million to ease pressure on food banks. The fund can be used for a variety of programmes to help reduce the dependence on food banks.

The latter announcement came under criticism from both the Official Opposition and from representatives of food banks in Toronto. The members' criticism was directed to the government's statement that they would not be able to eliminate all food banks by

1995. The members believe that the proposed fund would perpetuate food banks and not eliminate them as the government had promised.

Elaine Ziemba, Minister of Citizenship and also Minister responsible for Senior Citizen's Affairs, will introduce legislation regarding advocacy for vulnerable adults. The proposed legislation will provide a voice for those who may have difficulty in expressing themselves because of disability and who do not have the support and assistance of their family and friends. The minister further stated that the government would spend up to \$20 million to establish a new advocacy commission and hire approximately 150 advocates to assist seniors, former psychiatric patients and people with AIDS, dementia and Alzheimers Disease.

Premier Rae's cabinet suffered its first loss with the dismissal of **Peter Kormos**, Minister of Financial Institutions and Minister of Consumer and Commercial Relations, following a number of incidents. The minister had announced that the government planned to eliminate sexism in advertising and at the same time it was revealed that one of his policy advisors was convicted of spousal assault. The minister also appeared fully clothed as a Sunshine boy in *The Toronto Sun* newspaper. The Premier stated that he did not dismiss Peter Kormos for one particular incident but rather for his poor judgement.

Evelyn Gigantes resigned as Minister of Health on April 19, 1991, after she revealed in Question Period the name of a man whose personal health records had been the subject of a news story.

Mike Farnan, Solicitor General, came under intense criticism when it was learned that a member of his constituency office staff wrote a letter to a Justice of Peace and signed

the minister's name to the letter. Subsequently, during question period it was disclosed that the minister's staff had written a second letter to a Justice of Peace requesting a review of a case. The Attorney General requested that the RCMP investigate this matter and the report will be forthcoming. The Premier strongly supported his minister and reiterated that the minister did not write the letters, did not authorize the letters and did not sign the letters, therefore he did not ask for Mr Farnan's resignation.

In the Spring meeting period, during the debate on Bill 4, *An Act to amend the Residential Rent Regulation Act, 1986*, the Government House Leader, **Shelley Martel**, introduced a time allocation motion which provided for one further day in the Committee of the Whole House and one day for third reading debate. This motion was viewed as unusual by the other two parties because the members of the government when they were in opposition had opposed this type of procedural motion. Debate on the motion was ended when the Minister of Housing, **Dave Cooke**, moved closure.

For only the 3rd time in our recorded history on May 2, 1991, **Gilles E. Morin**, Deputy Speaker, became the 3rd presiding officer in the House to cast his vote on a motion for second reading of a Private Members' Public Bill (previous occasions being Speaker Charlton on April 22, 1904, and Speaker Edighoffer on January 16, 1986).

Richard Allen, Minister of Colleges and Universities, announced major adjustments to the Ontario Student Assistance Programme. The following changes will come into effect immediately and will apply to the coming academic year: (1) students will receive a 5% increase in allowance

costs to offset escalating living costs and OSAP will be adjusted to accommodate tuition fees; (2) the maximum grant for disabled students will be increased to \$3,550; (3) child care allowance benefits for married students will be increased from \$100 to \$700 per-term; (4) contributions for spouses of married students will be reduced to approximately \$1,100 on a combined salary of \$28,000; (5) OSAP residency requirements for students who are permanent residents and Canadian citizens will be made the same; (6) part-time students' transportation and personal living allowances will be increased; (7) changes will be made to the way Ontario utilizes the Canada Loan Program; (8) the Ontario graduate scholarships will be increased by \$100 from \$1,200 to \$1,300, and the amount of the scholarships will be increased to \$3,766.

On April 29, **Floyd Laughren**, Treasurer of Ontario and Minister of Economics, introduced the new government's first budget. It contained the following tax increases: surtax on individuals who earn over \$84,000; surtax on gas-guzzling cars increased from \$200 to \$7,000; 1.7 cent per litre increase for gasoline; 42 cents per package increase on cigarettes; 5 cent increase per litre on liquor, beer and wine. The government will increase its spending as follows: \$215 million increase for welfare; \$150 million increase for housing; \$175 million for a fund for laid-off workers; \$125 million infusion for the pay equity system; \$30 million to improve salaries for child care workers; \$4.5 Billion for capital expenditures for schools, hospitals, transit systems, and municipalities; \$28 million for the blue boxes and composting programme; and will pursue a crackdown on OHIP

payments for out-of-country health services.

Not all of the announcements in the Assembly were of a political or economic nature. The Speaker, **David Warner**, announced that the Legislative Assembly had commissioned two plays, "J'm'appelle Julie" and the "Life and Times of Orlando Q. Guffy, MPP". These mini-musicals mix original and documentary material and music highlighting the social and political life and times of Ontario and Toronto a century ago when the current Legislative Building was being constructed. The plays were written by **Theresa Sears** and **David Switzer**, with original music composed by **Paul Shilton**. The French lyrics and text for the show are the creation of **Pierre Trudel**. The show will be performed in the Legislative Building until August 31.

Committees

The Select Committee on Ontario in Confederation was established on December 20, 1990 and is chaired by **Tony Silipo**. Its mandate is to review and report on "the social and economic interests and aspirations of all the people of Ontario within Confederation; and what form of Confederation can most effectively meet the social and economic aspirations of the people of Ontario." The Committee held hearings in 20 locations across the province. All of these hearings were broadcast live on the Parliamentary Network. The Committee's interim report contained the opinions and views of the public, and was reported to the Assembly on March 21, 1991.

The Standing Committee on Government Agencies chaired by **Bob Runciman** resumed its traditional task of reviewing the operations of a selected number of

agencies. The Committee received new responsibility referred by the House on December 20, 1990: its new mandate is to review the intended Order-in-Council appointments to Ontario government agencies, boards and commissions. The Committee will operate under provisional rules for six months, and it will review, recommend and report to the House by May 16 on its mandate and permanent Standing Orders. During the adjournment the Committee devoted its time to review the intended appointees of: the Chair of The Liquor Control Board of Ontario; members of the Niagara Escarpment Commission; and the entire membership of the new Fair Tax Commission.

The Standing Committee on the Legislative Assembly, chaired by **Noel Duignan** commenced its comprehensive review of the *Ontario Freedom of Information and Protection of Privacy Act, 1987*. The first phase of the proposed public consultation began in February. The second phase is expected to be held during the Summer Adjournment.

The Committee travelled to Ottawa to review the process followed by its federal counterpart in undertaking their comprehensive study of access to information and protection of privacy legislation. While in Ottawa, the Committee also met with M.P.s and House of Commons officials to review security measures and infrastructure in Parliament, and to study the provision of members' services and facilities. The Committee also surveyed matters relating to members of the legislature and their services and facilities, the operation of the television broadcast system, and security in the parliamentary precinct.

The Standing Committee on Administration of Justice, chaired

by **Drummond White**, met during the adjournment to consider a number of matters. The Committee held public hearings during the week of 11 February 1991 on Bill 17, *An Act to amend the Law related to the Enforcement of Support and Custody Orders*. The purpose of the bill is to provide for automatic deduction of support payments from the people required to pay support. The bill is before the Committee of the Whole House for consideration.

The Committee also considered the Premier's Conflict of Interest Guidelines which require ministers and parliamentary assistants to divest themselves of, "any asset, liability or financial interest which causes or could appear to cause a conflict of interest; and all business interest except where the minister satisfies the Premier that the interest has been fully disclosed, that undue hardship would be created by divestment, that retaining the interest is not inconsistent with the public interest and that the minister has given appropriate undertakings to avoid a conflict in respect of the interest". Witnesses before the Committee included the Premier and other current and former ministers. The Committee is continuing its deliberations during the Spring meeting period and will report to the House its comments and recommendations.

The Standing Committee on Finance and Economic Affairs, chaired by **Jim Wiseman** conducted its annual Pre-Budget Consultation hearings during the Adjournment. During these hearings, the Committee received many presentations from organizations, individuals and ministries. The Committee's report was presented to the Assembly on March 18. It contained many recommendations and also included dissenting opinions from the Liberal and Progressive Conservative Parties.

The Committee is currently studying the issue of cross-border shopping. Following public hearings, it will present a report to the House containing its recommendations on ways in which the province can act to attempt to alleviate this problem.

The Standing Committee on Resources Development, chaired by **Bob Huget** considered a designated matter under the provisions of Standing Order 123, sponsored by **Ted Arnott**. The issue under consideration was to review invasive exotic plants and animal species, in particular zebra mussels and purple loosestrife infesting the Great Lakes and Ontario's inland waterways. The Committee invited a number of expert witnesses from Ontario and the United States, as well as witnesses from the utility and recreational sectors to discuss possible control measures to stop the spread of these exotic species. The Committee will present its report during the Spring meeting period. On April 17 1991, the Chair resigned and **Peter Kormos** was elected as the new Chair.

The Standing Committee on General Government, chaired by **Remo Mancini** considered Bill 4, *An Act to amend the Residential Rent Regulation Act, 1986*. The purpose of this legislation is to limit the circumstances under which landlords may obtain rent increases above the annual guideline. Section 8 of the bill caused some controversy because it contains a retroactivity clause to October 1, 1990. Five weeks of public hearings were conducted across the province from January 15 to February 15, 1991. Following the completion of public hearings, Bill 4 was reported to the Assembly on March 18, 1991.

The Committee is holding hearings on a designated matter under Standing Order 123, sponsored by **David Turnbull** to

"review ... the methods employed by the Ministry of Treasury and Economics in generating its fiscal plan projections and an examination of the factors which contributed to the variance between the 1990 Ontario budget fiscal plan and economic projections and current projections and of how that variance compares to any variances experienced in prior fiscal years in Ontario and in other Canadian provinces." The Committee will present its report later in the Spring meeting period.

The Standing Committee on Social Development, chaired by **Elinor Caplan** held public hearings on 3 Bills. Bill 12, *An Act to amend the Education Act*, and Bill 13, *An Act to amend the Ottawa-Carleton French-Language School Board Act* were amended and reported to the House on March 18, 1991. On April 8th, the Committee dealt with a private members's bill, Bill 22, *An Act to provide for Certain Rights for Deaf Persons*. The Bill was reported to the House on April 9th.

During the Adjournment, the Committee considered two designated matters under Standing Order 123: "Children's Mental Health Services in Ontario", and "Multi-Year Plan for Deinstitutionalization of Developmentally Handicapped People in Ontario." After the hearings, reports were presented to the House on March 18, 1991.

The Standing Committee on Public Accounts, chaired by **Bob Callahan** held hearings during the Adjournment to consider a number of sections of the Provincial Auditor's Report relating to 3 universities (Trent, Guelph, and Toronto) and 2 school boards (York Region Roman Catholic Separate School Board and Lakehead Board of Education). The officials of the universities and boards were invited to appear before the

Committee to discuss the Provincial Auditor's audits and the changes that they had instituted since the audit. The Committee will present its report to the legislature later in the session.

The Standing Committee on Estimates, chaired by **Cam Jackson** met during the Adjournment to review the estimates of 6 ministries and offices: Ministry of Energy, Ministry of Community and Social Services, Ministry of Treasury and Economics, Ministry of the Environment, Office Responsible for Senior Citizens' Affairs, and Ministry of Northern Development and Mines. This was the first time that estimates were reviewed during a period when the House was not meeting.

Franco Carrozza
Committee Clerk
Ontario Legislative Assembly

British Columbia

The Fifth Session of the Thirty-fourth Parliament of the Legislative Assembly of British Columbia commenced on May 7, 1991 with the Speech from the Throne by Lieutenant-Governor **David C. Lam**.

The Speech noted the passing of **John Davis, PC**, Minister of Energy, Mines and Petroleum Resources. His distinguished career in public service spanned four decades, first as a Member of Parliament from 1962-1974 and since 1975 a Member of the British Columbia Legislative Assembly. His legacy will include a ministry building to be built in Victoria in his honour.

The Speech referred to public confidence in the administration of justice in the Province to the effect

that the "process...is fair and impartial...for decisions relating to charges against persons of high public profile". The Report of the Ombudsman, **Stephen Owen**, entitled "Discretion to Prosecute Inquiry" is to be implemented by the Attorney General so that "directives from the Attorney General to the Deputy Attorney General regarding policy on prosecutions must be in writing and published". It also referred to the Government's intention to use the method of referendums so that the people of the Province "have the opportunity directly to help our elected representatives establish government priorities".

Crime and violence; openness and accountability in the public sector; native land claims; combating catastrophic illnesses from infectious diseases; issues related to women in the workplace, home and the community; commercial back country recreation; and environmental programs and enforcement were other matters raised in the Speech that the Government intends to focus upon during the coming year.

The Fourth Session, which adjourned on July 27, 1990 resumed on March 11, 1991 proroguing on March 22, 1991. In total there were 114 separate sittings; 95 Government Bills of which 88 received Royal Assent; 46 Members' Bills, none proceeding beyond First Reading and one being ruled out of order on March 1991 (*Clean Environment Enforcement Act - M202*); and 4 Private Bills all of which received Royal Assent. Committee of Supply, in the Fourth Session, completed its work on July 25, 1990.

Among the Government Bills receiving Royal Assent were *Members' Conflict of Interest Act*; *Constitutional Amendment Approval Act*; *Compensation Fairness Act*; *Job*

Protection Act; *Employment Standards Amendment Act, 1991*; and *Taxpayer Protection Act*. All Members' Bills were introduced by the Official Opposition and ranged in subject matter from the *British Columbia Recycling Act* to *An Economic Bill of Rights for Women* to *An Act for Better Child Care* to a *Forestry Research and Development Act*.

The Select Standing Committee on Public Accounts had its First Report presented to the House on July 25, 1991 by **Darlene Marzari**, Chairperson. The Report contained seven recommendations, six of which refer to the management of the retention and disposal of the operational records of government in accordance with the records schedules, standards and guidelines described by the Operational Records Classification System. The system was approved by the Public Documents Committee chaired by **John Bovey**, Provincial Archivist. The system is intended, among other objectives, to provide more consistency, conformity and continuity with the disposal dates, retention periods and final disposition across government of publications, files and related material. The remaining recommendations raised the "cut-off limit" for reporting salaries in the Public Accounts to \$35,000.00 per year.

The Committee met 10 times for a total of 12.7 hours in an effort to examine the Public Accounts (1988-89) and the Annual Report of the Auditor General (1990), prepared by **George Morfitt, FCA**. The Committee last met on July 24, 1990 and Members anticipate its reconstitution early in this Fifth Session.

On March 19, 1991, **Graham Bruce**, Chairman of the Select Standing Committee on Forests and Lands presented the Committee's Second, and final Report to the

Legislative Assembly on the matters of the Vancouver Log Market and Part 12, of the *Forest Act* respecting log exports. The Report contained five recommendations. Considered a major departure from recommendations promoted by earlier government and private sector reviews in the establishment of a British Columbia Log Market, in particular, "that the Government consider ways of expanding the Vancouver Log Market including the practicality of a British Columbia Log Marketing System to transact the sale of logs harvested from Crown Lands in British Columbia". Further respecting the issue of selling logs were recommendations "establishing a process whereby all timber harvested from Crown Lands not consumed in the licensee's production facilities be offered for sale on an expanded British Columbia Log Marketing System" and, "that selling prices collected from transactions on a provincially expanded log marketing system be used to establish relative prices for the purpose of determining stumpage rates under the comparative value pricing system used by the Ministry of Forests". The Committee intends to promote a greater opportunity for sellers to capture the highest price, for buyers throughout the Province to participate in the market and to disseminate market information.

The Committee concludes "that forest tenure arrangements, as they are currently structured in British Columbia, limit the scope for competitive market driven adjustments that would otherwise direct the flow of logs to their highest end-valued use. Your Committee suggests that, until a largely market driven mechanism is introduced that will facilitate such an objective, the issues that it has explored under its mandate will

have to be revisited on a continual basis".

The Committee's Second Report "conveys the belief that it is most appropriate to seek a means of introducing a greater level of competition to the Province's forest industry through changes in the way the Province allocates access to its timber resources".

The exporting of logs from the Province, being the second matter referred to the Committee, generated two recommendations each eliminating the ability of logs to be exported without first being offered for sale in British Columbia.

On March 13, 1991, Nick Loenen, Chairman of the Select Standing Committee on Finance, Crown Corporations and Government Services presented the Committee's First, and final Report on the matter of the Financial Planning and Advisory Industry in the Province of British Columbia. Undergoing various membership changes throughout its inquiry conducted over a period of three years, the Committee made six recommendations, ranging from the establishment of a limited regulatory regime to regulate the industry, to the basic objectives and principles which should guide the reform, the precise clarification of policy considerations, to consumer education. The 31-page report includes a model financial planning disclosure statement which is intended to be used recognizing that variations should be tolerated given the diverse nature of financial planning in the Province.

The Fifth Session is witness to an amendment to the *Standing Orders* related to Committees: The Select Standing Committees on Economic Development, Transportation and Municipal Affairs; Labour and Justice; Tourism and Environment; Forests and Lands; Energy, Mines and Petroleum Resources;

Agriculture and Fisheries; Health, Education, Social Services, Housing and Women's Issues; Finance, Crown Corporations and Government Services; Public Accounts; Standing Orders and Private Bills; Constitutional Matters and Intergovernmental Relations; and, Ethical Conduct and Conflict of Interest. The latter two are new Committees which the Government says are to receive related issues during this current session.

The last two weeks of the Fourth Session saw the introduction of live televised broadcasting of the proceedings of the Legislative Assembly. An interim plan incorporates five television cameras and operators until, as the Board of Internal Economy approved, a permanent fixed system can be installed. Distribution extends throughout the Province using the various cable system companies.

In April 1991, William N. Vander Zalm resigned as Premier of the Province, while retaining his seat, as a result he said, of an inquiry he requested to be undertaken by E.N. Hughes, Acting Commissioner, Conflict of Interest. The Social Credit Caucus selected Rita Johnston to lead the party as Premier. She becomes the first women premier in the history of Canada.

There are several notable name changes to the Cabinet: Minister of Women's Programs and Government Services and Responsible for Families; Provincial Secretary and Responsible for Multiculturalism and Immigration; and Minister of Agriculture, Fisheries and Food.

The Acting Conflict of Interest Commissioner in a brochure published for MLAs describes the new *Members' Conflict of Interest Act* as "defining standards of official conduct for Members of the Legislative Assembly; providing

mechanisms for the early identification and resolution of potential conflicts of interest; investigating alleged conflicts of interest; and publicly disclosing the financial interests of Members of the Legislative Assembly". The Commissioner's role is portrayed as "an advisor to members" where each member "is required to meet with the Commissioner at least annually to review the disclosure of the members' interests and general obligations imposed by the Act" and for the Commissioner "to undertake inquiries into alleged contraventions of the Act."

Mr. Bob Williams, MLA originally elected in 1966 for the New Democratic Party resigned his seat in May of this year.

Joan L. Molsberry
Committees Secretary
Legislative Assembly of British
Columbia

House of Commons

Although the House sat for only six weeks during February, March and April, the events which occurred over these weeks brought into question some of the most fundamental principles upon which our parliamentary system is based. Questions of privilege concerning the rights of parliamentary committees, points of order concerning the use of annual Estimates to legislate and changes to the Standing Orders of the House of Commons caused parliamentarians and parliament watchers to ask themselves about the roles and powers of the House

of Commons in the Canadian political system.

When the House resumed sitting on February 25, 1991, the first items of business on the agenda were the Budget presentation by the Minister of Finance and a debate on and passage of the Borrowing Authority Bill. On the financial front, many days of debate in March were devoted to consideration of Opposition motions, as the number of Supply days customarily allotted for the Supply period ending March 26 had not yet been used. The Main Estimates for the fiscal year ending March 31, 1992 were tabled on February 28 and Supplementary Estimates (C) for the fiscal year ending March 31, 1991 were tabled March 5, 1991. It was the latter, however, which received an unusual amount of attention.

While most committees were concerned with the examination of the Government's Main Estimates which had been referred to them on February 28, the House was occupied with two important interventions concerning Supplementary Estimates (C). In the first instance, Rene Soetens asked the Speaker to rule on the admissibility of "Parliament-Senate" Vote 2c in the Supplementary Estimates (C) and "Parliament-Senate" Vote 5 in the Main Estimates, 1991-92. Mr. Soetens argued that the Votes, which allotted funds for the controversial \$153/day attendance allowance for Senators, were improperly before the House because they proposed to provide money for an allowance which only could be granted by an amendment to *The Parliament of Canada Act*. Other interventions were made on the matter by Rod Murphy and Peter Milliken. After taking the matter under advisement, the Speaker ruled on March 20, 1991 that these two Votes did in fact

provide funds for something which should properly only be granted with a legislative amendment, and that they should therefore be deleted from the Estimates. Supplementary Estimates (C) were concurred in on March 25, 1991, without Senate Vote 2c.

Supplementary Estimates (C) also gave rise to a question of privilege in the House. On March 12, 1991, Jean-Robert Gauthier rose on a question of privilege regarding the fact that the Standing Committee on Consumer and Corporate Affairs and Government Operations had not met since September, 1990 because it had no Chairman. He argued that Members' privileges were being breached because the Committee could not meet to examine the Votes in Supplementary Estimates (C) which had been referred to it, most notably, the Vote allocating funds to the Citizen's Forum on Canada's Future (The Spicer Commission). A lengthy discussion then ensued. Later that day, the House agreed by unanimous consent to allow the Government Whip to temporarily appoint another Government Party member to the Committee, upon the condition that this additional individual would only remain on the Committee until the prorogation of Parliament, until the House amended the Standing Orders to cause a re-organization of committees, or until the 49th Report of the Striking Committee was adopted by the House. The following day, Jean Charest was appointed to the Committee, and was later elected to be its Chairman.

Committee matters were also the focus of another question of privilege in the House. After several earlier attempts to raise the matter, Derek Lee rose on a question of privilege on February 28, 1991 to protest the fact that the requests of the Standing Committee

on Justice and Solicitor General for unedited copies of reports about escaped inmates had been refused by the Solicitor General. Noting that the Committee had reported the matter to the House, Mr. Lee stated the then Solicitor General had denied the Committee's request because the Minister had been advised that to release unedited versions of these reports (one dealing with the escape of inmate **Allan Légère** from a New Brunswick prison, the other with the escape of inmate **Daniel Gingras** from an Alberta prison) would be in contravention of *The Privacy Act*. After much discussion in the House, a suggestion was made by **Albert Cooper**, the Parliamentary Secretary to the Government House Leader, that the issue be referred for examination to the Standing Committee on Privileges and Elections. The Speaker did not rule that the matter was a *prima facie* case of privilege, but the House did accept the suggestion of Mr. Cooper, and the matter was thus sent to the Committee. The Committee subsequently undertook an examination of the question, but it did not report back to the House before the end of the Second Session of the 34th Parliament.

The Standing Committee on Privileges and Elections did however issue a report in this period on an earlier *prima facie* case of privilege which had been referred to it – that of the October 17, 1990 "Macaroni Caper".

On October 17, 1990, there was a demonstration in the Public Gallery during Question Period and a group of students threw macaroni and protest cards onto the floor of the House of Commons to protest the imposition of a three per cent surcharge on student loans. The students were soon thereafter removed from the Chamber and

held by the Security force of the Commons before being released. In response to a question of privilege raised the following day about the demonstration, the Speaker noted the seriousness of the incident and ruled that there was a *prima facie* breach of privilege. The House then agreed to a motion to send the matter of the demonstration to the Standing Committee on Privileges and Elections. When the Committee reported to the House on March 6, 1991, it suggested that warnings be posted outside gallery entrances setting out offences people could be charged with for misbehaviour, and that an examination be undertaken of the sanctions at the disposal of the House to deal with those who misbehave. The Report concluded with the following statements:

The Committee does not recommend that any specific action be taken with respect to the participants in the infamous "macaroni caper" of October 17, 1990; however, the Committee recommends that any demonstrations or disturbances that take place in the galleries in the future should be taken very seriously, and the participants punished or charged. It is very important that the message be clearly conveyed that the House will not tolerate such behaviour. (Standing Committee on Privileges and Elections, Twenty-Fourth Report, *Minutes of Proceedings and Evidence*, March 6, 1991, Issue 39, p. 8)

Other committee reports which were tabled prior to the prorogation of Parliament included the Fifth Report of the Standing Committee on Aboriginal Affairs, entitled "The Summer of 1990", which dealt with the incidents at Oka, Quebec; the Third Report of the Standing Joint Committee on Official Languages, entitled "Draft of the proposed regulations respecting

communications with and services to the public in either of the official languages"; and the Fourth Report of the Standing Committee on Agriculture, entitled "Farm Debt Update – 1991". Pursuant to a Standing Order of the House, requests were made that the Government table comprehensive responses to the first two Reports listed above.

Noteworthy legislative matters during this period included the granting of Royal Assent to Bill C-79, *An Act to amend the Parliament of Canada Act*, to Bill C-98, *Farm Income Protection Act* and to Bill C-91, *An Act to amend the Financial Administration Act*.

The most widely talked-about events in the House of Commons over this period, however, were the debate on the sweeping changes made to the Standing Orders of the House of Commons and the Government's use of closure on the debate to have the changes adopted before the end of the Second Session of the 34th Parliament. Among the most significant changes to the Standing Orders were changes to the parliamentary calendar, the supply process, the committee system, the voting procedures in the House of Commons and the procedures respecting Private Members' Business.

These new Standing Orders, which were adopted by the House of Commons on April 11, 1991, took effect on the first day of the Third Session of the 34th Parliament. The Second Session was prorogued on May 12, 1991, and the Speech from the Throne began the new Session on Monday, May 13, 1991.▲

Barbara Whittaker
Procedural Clerk
Table Research Branch