



# Legislative Reports

## Manitoba

The Third Session of Manitoba's Thirty-fifth Legislature was convened on December 5, 1991, adjourned December 17, 1991 for two months and resumed February 17, 1992 until its summer adjournment on June 24, 1992.

As laid out in the Throne Speech, the Filmon Government continued to emphasize an agenda directed toward economic development and growth, particularly through controlling government spending and creating a positive climate for investment in Manitoba. The government as well, stated its commitment: to "supporting and protecting the vital services Manitobans depend upon", to constitutional reform that includes recognition of Quebec's "unique place in the federation" and a "strong central government that is genuinely responsive and fair to all regions" and to the recognition of Aboriginal Canadians inherent right to self-government.

In response to the Speech from the Throne, the Official Opposition Leader, Gary Doer was critical of the Government's record on economic renewal and its strategy of "stepping aside" to "encourage economic growth". Among other social and economic issues, Mr. Doer was

critical of the Government for not responding to what his Party perceives to be the "Americanization" of Canada's health care system. The Leader of the Liberal Party, Sharon Carstairs was also very critical of the Speech and particularly focused on health care, expressing concern that the Government was moving more toward a user-pay system. Both leaders moved amendments to the Throne Speech which expressed their lack of faith and confidence in the Government. These amendments were defeated.

The Session ran for 93 days, during which 103 bills were introduced. Of these, only 61 were assented to – 57 public bills and 4 private bills. Twenty-eight Private Members Public Bills made it on to the Order Paper but none were passed. Two of the public bills which had been withdrawn were Government Bills, both introduced by the Minister of Natural Resources, Harry Enns. Some of the more controversial bills included the *Child and Family Services Act*, *City of Winnipeg Amendment Act*, *Labour Relations Amendment Act*, *Manitoba Multiculturalism Amendment Act*, *Pension Benefits Amendment Act* and *Social Allowances Amendment Act*. These bills produced long and arduous debates often resulting in divisions at second and third readings.

The tenor of debate during this Session was somewhat acrimonious. During the Session, two MLAs resigned their seats. Liberal Deputy Leader Jim Carr resigned on January 27, 1992 and PC backbencher Ed Connery, formerly a Cabinet Minister, resigned on June 23, 1992. By the

end of the Session, the numbers were quite tight – PC 29 seats, NDP 20 seats and the Liberals 6 seats.

The by-elections for these two seats were held on September 15, 1992, with the respective parties holding on to their seats. Avis Gray, a former Liberal MLA, won in Crescentwood and Brian Pallister, an insurance agent in Portage la Prairie, won his riding for the PCs. A further upcoming change to the Legislature will be a new leader of the Liberal Party in the Spring of 1993. Sharon Carstairs announced that she will be stepping down as leader and will not contest her seat in the next provincial election.

### Procedural Matters

An Opposition resolution calling for the withdrawal or reversal of a regulation which provided that therapeutic abortions could only qualify as an insured service when performed in a hospital, was challenged by the Government. It was challenged on the grounds that it contravened the sub-judice convention as the regulation in question was before the courts. Speaker Denis Rocan ruled that the sub-judice convention was not contravened because the focus of the motion was not the matter before the courts, but peripheral to it; the case was civil not criminal and was not currently before the courts; and the discussion of the motion would not likely be injurious to any individual involved.

Late one June night, Marcel Laurendeau, upon leaving the Legislature, was abducted in his car.

From this arose a matter of privilege concerning security of members at the Legislative Building. The Speaker ruled that no connection was established between the abduction and the Member's activity during a proceeding in the Assembly. Also, it was determined that the grounds are not part of the Legislative precinct.

### Committees

The Standing Committees were busy this session, particularly in the last two weeks. During this time, sitting hours were extended and one and sometimes two committees were sitting concurrently with the House. By session end, bills were being transferred from one committee to another to expedite the process.

Overall, the Standing Committees met for 54 sittings. Dealing with committee business in general, 34 Annual Reports were considered and passed, leaving only six Annual Reports outstanding. The Economic Development Committee approved the last annual reports for three crown corporations. Channel Area Loggers was sold to Abitibi-Price in 1991, the Manitoba Development Corporation ceased to exist on May 31, 1992 with its responsibilities transferred to the Department of Industry, Trade and Tourism and the Manitoba Energy Authority would no longer be distributing an operational report.

The Committee on Privileges and Elections met to consider the issue of Manitoba judges having the lowest salaries in the country. The final recommendations of the Judicial Compensation Committee addressed this inadequacy by proposing salary increases that would bring Manitoba judges' salaries on a par with other provinces. Privileges and Elections did not accept the recommended salary increases due to

the restrained economic climate. Instead, the Committee proposed salary increases for judges amounting to 3 per cent.

### Special Events

In October, his Excellency Governor General **Ramon Hnatyshyn** visited Manitoba to present and proclaim, in the Legislative Assembly Chamber, an augmented Coat-of-Arms for the Province of Manitoba. The new Coat-of-Arms builds upon Manitoba's existing one which had been assigned by Royal Warrant of Edward VII in 1905. This presentation of a new Coat-of-Arms, by the Governor General, is a precedent as this responsibility has always been undertaken by the Monarch.

### Staff Changes

Over the summer and fall, the Legislative Assembly has experienced a number of staff changes. **Judy White** has been appointed Clerk of Committees effective August 1, 1992 for a one year term; she will also serve as a Clerk-at-the-Table. She has a Master of Arts degree in Political Studies from the University of Manitoba. Judy was an Intern with the Manitoba Legislative Internship Program and was formerly employed with the Social Planning Council of Winnipeg. She is replacing **Patricia Chaychuk-Fitzpatrick** who is at the House of Commons for one year. **Patti Irving** has been named Journals Clerk of the Manitoba Legislative Assembly, effective September 1992. Patti's management and administrative skills were gained during her years with the Winnipeg Core Area Initiative and the Grande Prairie Housing Authority in Alberta. Also, **Edith McLure**, the former Supervisor of Hansard's Proofreading Division, has been appointed Acting Manager Manitoba Hansard, filling an existing vacancy.

A change also occurred in the Provincial Auditor's Office this fall. **Fred Jackson** retired after almost ten years as Manitoba's Provincial Auditor. He was replaced by **Carol Bellringer** who had been the Assistant Provincial Auditor for two years. Carol is Manitoba's first woman Provincial Auditor.

**Judy White**  
Clerk of Committees  
Manitoba Legislative Assembly

---

## Ontario

---

**D**uring the early part of the Fall sitting of the House, three main issues dominated the daily question period. Predominant was the government's legislation to reform the *Labour Relations Act*, Bill 40. Among other things, the Bill provides for the prohibition of replacement workers during strikes, perhaps its single most contentious provision in the eyes of the Opposition Parties. The Committee that had held public hearings on the Bill reported it with amendments to the House and, under the terms of an allocation of time motion passed by the House in July, 2 days of clause-by-clause consideration were held in the Committee of the Whole House. Two additional days are provided for debate on Third Reading. As of this writing, Third Reading debate had not yet commenced.

Another significant issue was the proposal to establish gambling casinos. During the Fall sitting, the Minister of Consumer and Commercial Relations, **Marilyn Churley**, announced that a pilot project casino

would be established in the border community of Windsor. Legislation was introduced to provide for the regulation of gaming services in Ontario and consultations were begun with the stakeholders in Windsor as to what type of casino operation, and under whose control, it would be set up.

A third issue which has generated significant controversy in the Legislature concerns the search by the province for a new landfill for Metropolitan Toronto. The Minister of the Environment, **Ruth Grier**, has determined that, as a matter of policy, garbage generated in a municipality must be dealt with in that municipality. Because of the limited amount of space available in Metro Toronto's current landfills, it has become necessary to search for a new site. This search process has entailed the identification of a large number of potential sites by the Interim Waste Authority. Not unexpectedly, those communities identified as potential sites have exerted tremendous pressure on the government as the site selection process works its way toward a 'short list'. The whole issue has become a hotly contested political debate in the House.

Throughout the Fall sitting, issues concerning Ontario Hydro were also prominent. **Marc Eliesen** announced his resignation as Chair of Ontario Hydro in favour of the same position with B.C. Hydro. Speculation swirled over who would be appointed to replace him; late in October it was announced that **Maurice Strong**, formerly Under-Secretary General of the United Nations and Chairman of the Earth Summit in Brazil in the Summer of 1992, had been chosen by the government to fill the post. Amid rising electrical rates, reduced power demand, allegations of misuse of funds at Ontario Hydro and the utility's enormous debt, it is a good bet

both Mr. Strong and the utility itself will continue to be strenuously scrutinized by the Legislature.

In the week prior to the Constitutional Referendum, the Assembly held two days of debate on the Charlottetown Accord. Numerous members had the opportunity to contribute to the debate. On a lighter note, the Legislative Assembly took time out on October 27 to pay tribute to the Toronto Blue Jays on having won the 1992 World Series. The Assembly was unanimous in its celebration of this great victory for Toronto, Ontario and Canada.

### Committees

On July 23, 1992, the Legislature passed a motion authorizing the Standing Committee on the Ombudsman to meet during August to review the Office of the Ombudsman. The Committee, chaired by **Mark Morrow** examined aspects of the *Ombudsman Act*, the extent of the Ombudsman's jurisdiction and the mandate of and role to be played by the Standing Committee on the Ombudsman. Assisting in the review, the Committee heard from former Ombudsmen, experts and groups.

The Standing Committee on Social Development, chaired by **Charles Beer**, held public hearings on Bill 112, *An Act to revise the Building Code Act*, on September 2 and 3. Clause by clause consideration was conducted in Committee on September 14 and 15 and the Bill, as amended, was reported to the House on September 30.

The Standing Committee on Public Accounts, chaired by **Remo Mancini**, met during the summer adjournment to interview candidates for the position of Provincial Auditor. The committee received 16 applications and interviewed 12 people for the position. The committee was very pleased with the calibre of the applicants and reach-

ing a final decision was not an easy task.

After careful consideration, the committee agreed to recommend to the House that **Erik Peters** be appointed Provincial Auditor. Mr. Peters leaves the position of Vice-President, Internal Audit at the Canadian Broadcasting Corporation. Mr. Peters articulated with Price Waterhouse in Calgary and worked in Montreal, London (England), and Ottawa. Mr. Peters has also worked with the Office of the Auditor General, first as Director General Computer Audit and then as Assistant Auditor General of Canada. Mr. Peters has worked with Alcan Aluminium where he was responsible for EDP and Internal Audit in Alcan's European operations in nine countries.

The House ordered that an Address be presented to the Lieutenant Governor in Council requesting the appointment of Mr. Peters as Auditor for the Province of Ontario on October 15. The committee is looking forward to working with Mr. Peters when he takes up his new position on January 2, 1993.

The Standing Committee on Resources Development, chaired by **Peter Kormos**, concluded its hearings on Ontario's controversial labour law reforms in October and reported the Bill to the House with amendments. The Bill was debated in the Committee of the Whole House for 2 days and awaits Third Reading debate.

The Standing Committee on Finance and Economic Affairs, chaired by **Ron Hansen**, began consideration of a Bill to provide for annexations to the City of London and certain municipalities in the County of Middlesex and was looking forward to dealing with amendments to auto insurance provisions in the winter adjournment.

## Resignation

On September 28, Speaker **David Warner** informed the House that **Ian Scott**, the Member for St. George-St. David had resigned his seat. Mr. Scott was Attorney General of Ontario during the governments of **David Peterson** from 1985 to 1990.

**Todd Decker**  
Committee Clerk  
Ontario Legislative Assembly

## Quebec

Although adjourned from June 23 to October 20, the Assembly was summoned to two extraordinary sittings during the summer.

It convened the first time on September 3, 4 and 8, 1992 to study Bill 44, *An Act to amend the Act respecting the process for determining the political and constitutional future of Quebec*. This bill provided for a referendum to be held on an agreement concerning a new constitutional partnership.

To ensure the new bill would be passed by the deadline set by the government, the Assembly, before introducing the bill for first reading, agreed to a motion to suspend certain rules of procedure. Despite this measure, the official opposition was able to table 31 identical petitions after reading the full text of each.

In the debate on Bill 44, the member for Drummond, **Jean-Guy St-Roch**, informed the Assembly of his decision to leave the government party and sit as an independent member in the Assembly. He had

been elected as a Liberal MNA in 1985.

The member for Westmount, **Richard B. Holden**, announced at the start of the proceedings of the first extraordinary sitting that he had officially joined the Parti Québécois. A former Conservative Party candidate in the 1979 federal election, he was elected in the 1989 provincial election under the banner of the Equality Party, whose ranks he left last fall to sit as an independent member.

The purpose in summoning the Assembly the second time was to agree to the referendum question, to adopt a motion setting the amount of the grants to be paid to the Quebec Yes and No committees and, lastly, to defer resumption of the Assembly's proceedings to a later date than that provided in the Regulations.

After five days of proceedings between September 9 and 16, 1992, the Assembly concurred in the Premier's motion on the question to be put in the popular consultation on October. The proceedings ended after the Assembly concurred in a motion granting a subsidy of \$0.50 per voter to the Quebec Yes and No committees for the purpose of the referendum campaign and the date of resumption of the Assembly's proceedings was set at November 24.

While these parliamentary proceedings were taking place in Quebec City and Montreal, an important event was held as part of the activities celebrating the bicentenary of parliamentary institutions. The International Symposium on Democracy, the key event in the celebrations of our 200 years of political history, provided an excellent forum for bringing together, under the theme of democracy, a panel of international personalities who exchanged ideas on the role, aspirations and constraints of political life.

The official delegates of the Commonwealth Parliamentary Association, of the Association internationale des parlementaires de langue française and of the Parliaments of the member states of the Council of Europe, Africa, Latin America, Asia, Eastern Europe and the United States attended the meeting, which was addressed by a number of leading lights from the fields of politics, law, economics and journalism.

Many documents have been prepared in order to make the general public aware of the importance of the rise of the parliamentary system of government in Quebec. These include two video documents prepared for primary and secondary school students to kindle greater interest and knowledge of our parliamentary institutions.

**Jean Bédard**  
and  
**Nancy Ford**  
Office of the Secretariat  
Quebec National Assembly

## Committees

As in the rest of Canada, the main feature of the quarter from August to October was the referendum on the Consensus Report on the Constitution, signed in Charlottetown on August 28, 1992. This event had a major effect on the activities of the committees, which did not sit from mid-September to late October.

The committees' work was thus concentrated in the months of August and early September. During this period, the parliamentary committees sat 10 times, mainly in order to audit the financial commitments of the departments and public agencies.

This task, assigned to all standing committees, consists essentially in auditing financial commitments of \$25,000 or more in all the depart-

ments and public agencies accountable to each of the committees. The members thus examined the manner in which the votes which they passed early in the fiscal year were spent.

The Committee on Planning and Infrastructures spent six sittings auditing the financial commitments of the Ministry of Transport and of the Minister for Regional Development. The Committee on Labour and Economy devoted one sitting to the commitments of the Ministry of Forests.

The Committee on the Budget and Administration was the only commission to conduct a detailed examination of bills. Three private bills were referred to the Committee: Bill 217, *An Act respecting Consolidated Bowling Ltd.*, Bill 218, *An Act respecting the Club de Curling de Montréal Ouest Inc.*, and Bill 225, *An Act respecting Le Restaurant Belle-Ville Inc.*

The two special committees established under Bill 150, *An Act respecting the process for determining the political and constitutional future of Quebec*, also sat for more than 15 hours this last quarter.

The *Commission d'étude sur toute offre d'un nouveau partenariat de nature constitutionnelle* met on four occasions to examine the Consensus Report on the Constitution (Charlottetown, August 28, 1992) and to hear various experts' comments on that report. The *Commission d'étude des questions afférentes à l'accession du Québec à la souveraineté* met for one working sitting and one public sitting on the organization of its work. At the request of a majority of Commission members, it then made public a *Draft Report* on its proceedings which began in August 1991.

Marie Tanguay  
Committee Secretariat  
Quebec National Assembly

---

## New Brunswick

---

The return of an official opposition in the New Brunswick Legislature has had a marked effect on its day-to-day functions. The 1992 Spring Session which lasted 40 days is already the longest since 1987. Under the Standing Rules, two specific days (Tuesdays and Thursdays) are allotted for dealing with Private Members' Motions and other matters of interest to private members. The use of private members' days or opposition days, almost nonexistent with a one-party legislature, has been restored and this year's 77 Private Members' motions surpasses the total of the previous four years combined. Motions for returns make up 80% of this total. From 1983 until 1987 inclusive, the average number of opposition motions during a legislative session was 98.

The presence of four registered political parties in the House (Liberal, Confederation of Regions, Progressive Conservative and New Democratic) and their leaders has significantly increased the demand for requests for procedural services and information from the Clerks-at-the-Table.

The Spring sitting also saw the return of longer hours, including evening sittings, despite the fact that the House began sitting at 8.30 a.m. on Wednesday, Thursday and Friday and 2.30 p.m. on Tuesday.

Opposition members took advantage of the Rules and requested an unprecedented thirty-five recorded divisions during sittings of the

House and proceedings of the Committees of the Whole.

### Procedural Issues

The House amended its Standing Rules on February 18, 1992, to include a provisional rule allowing the appointment of two Deputy Speakers and Chairmen of the Committees of the Whole House. Members' statements were limited to sixty seconds. As well, a new schedule of filing fees was adopted for Private Bills. The revised rule makes no distinction between an original or amending Bill for the purpose of calculating the filing fees. The fee for a Private Bill which does not exceed 25 typewritten pages is \$250. An additional \$25. is payable for each page over 25. Filing fees do not include either the initial printing costs or the cost of printing the Private Act in the annual bound book of Acts, both of which are the responsibility of the applicants.

During the Spring sitting the Speaker and Chairmen of the Committees of the Whole House ruled on such matters as declaring a pecuniary interest, relevancy, subjudice rule, acceptability of motions, privilege, Royal recommendation, deferral of divisions and procedure for consideration of legislation in the Committee of the Whole House. One Chairman's ruling during Committee of the Whole was appealed to the Speaker and the ruling was sustained.

### Question of Privilege

On February 28, a member of the Official Opposition raised a question of privilege concerning the Legislature's policy of not translating briefs filed with Standing and Select Committees. The substance of the members's complaint was that the failure to provide her with a translation of French language briefs, submitted to the Select Committee



on the Constitution of which she was a Member, impaired her ability to fulfil her role as a member of the Committee and thus her privilege as a member of the Committee had been breached.

The Speaker found that a *prima facie* case of privilege had been established and that the matter had been raised at the earliest opportunity. The member's matter of privilege was referred to the Standing Committee on Privileges which met on May 12, 1992. In its report to the House on May 15, the Committee recommended that the matter be referred to the Standing Committee on Legislative Administration. Members' Services, as it relates to translation of documentation, is under review by this Committee.

### Legislative Highlights

A record 19 applications for enactment of Private Bills were filed with the Clerk's Office during the spring sitting. Nine were processed but later withdrawn when legislation was introduced touching on the subject matter, making them unnecessary. Among the Private Bills passed, *An Act Respecting The Chartered Institute of Marketing Management of New Brunswick*, 1992, incorporates a provincial institute to establish qualifications for competency and membership in the institute, and to educate and discipline its members.

No Private Members' Public Bills were introduced during the Spring sitting. Among the 77 government Bills receiving Royal Assent during the session were: the *Expenditure Management Act*, 1992 to implement the restraint measures announced by the Government in relation to wages and other remuneration; and the *Public Prosecutions Act* to repeal the *Crown Prosecutors Act* and provide for the authority and responsibilities of the Attorney General,

Deputy Attorney General, Director of Public Prosecutions and Crown Prosecutors in relation to public prosecutions and the public prosecutions system.

Amendments were also passed to: the *Human Rights Act* to broaden the prohibition against discrimination on the basis of age and prohibit discrimination on the basis of sexual orientation, pregnancy, the possibility of pregnancy and circumstances related to pregnancy. In addition, a time limit within which complaints must be filed is established.

Amendments to the *Workers' Compensation Act*, the subject of an extended debate in the Committee of the Whole, were also approved. The amendments implement the first component of a comprehensive three-part strategy to maintain a balanced system of workers' compensation that encourages industrial competitiveness while providing equitable programs for injured workers. The three components are intended to modify programs, to rationalize internal administration, and to take a hands-on approach to accident prevention.

### Committee Activities

Although committee activity usually peaks during an adjournment of the House and the New Brunswick Legislature stands adjourned more than five months now, there has been little committee activity. Two of the nine standing committees reviewed public accounts and various reports of Crown Corporations.

The Standing Committee on Public Accounts, chaired by Brent Taylor, met in February and March and reviewed the Auditor General's report, the public accounts, and annual financial reports of several government departments for the fiscal year ending March 31, 1991. The Committee will continue its de-

liberations and report to the House in the fall.

The Standing Committee on Crown Corporations, chaired by John McKay, held six days of meetings in June and July and reviewed the annual reports and financial statements of a number of Crown Corporations for the fiscal year ending March 31, 1991. The most contentious issue raised concerned the financial practices and operations of the New Brunswick Power Corporation. During intense and extended debate, the opposition criticized the practices of the Corporation which they claimed ran counter to Government efficiency measures recommended for the Corporation. Opposition critics alleged political interference with lists of companies invited to submit tenders with the Corporation. Also coming under opposition attack were the personal services and employment contracts negotiated by the Corporation with retired senior executives.

The Select Committee on Representation and Electoral Boundaries, appointed by the House May 14 was mandated to examine and make recommendations with respect to the interim report of the Representation and Electoral District Boundaries Commission, to be filed with the Clerk of the Legislative Assembly, so as to assist the Commission in making its Final Report. The Committee was instructed to report to the House within 120 days of receiving the report of the Representation and Electoral District Boundaries Commission. The Commission's interim report, filed with the Clerk of the House on July 15 recommended:

- That the number of electoral districts be set at 54;
- That the average number of voters per electoral district be set at 10,000;
- That the allowable variation for voter populations in electoral districts be set at plus or minus 20 per cent.

The Commission was also asked to consider the best approach to ensuring that New Brunswick's aboriginal people are given representation in the Legislative Assembly in a manner similar to the approach employed in the State of Maine.

The Commission recommended that the following course of action be taken over the next four months: A Joint Committee of not more than four persons comprising a member or members of the Commission and a member or members of the aboriginal community be struck by the Select Committee to engage in further consultation with the aboriginal community to:

- Determine the degree of support among the aboriginal community for representation in the Legislative Assembly,
- Determine the form or structure that best provides for representation of New Brunswick's aboriginal people,
- Determine the mechanism for implementing the recommended form or structure,
- and to report its findings to this Commission within three months of being struck, after which this Commission will review the findings and submit its final recommendations to the Clerk of the Legislative Assembly.

The Commission further recommended that any electoral district or districts established for the aboriginal peoples be in addition to the 54 recommended electoral districts.

At an organizational meeting of the Select Committee held September 1, it was decided to advertise in New Brunswick newspapers and invite submissions from the public on the Commission's recommendations by October 15.

On October 8, the Select Committee met with members of the Representation and Electoral Boundaries Commission. The Committee also considered the hearings and submissions received and determined the manner in which to proceed.

The Select Committee on Representation and Electoral Boundaries continues its deliberations and is expected to present an interim report to the fall Legislature.

Part of the Select Committee's mandate is to examine, inquire into and make recommendations to the House with respect to the Final Report of the Representation and Electoral District Boundaries Commission following the filing of the Commission's report with the Clerk of the Legislative Assembly.

New Brunswick's electoral map was last redrawn in 1974 when the then Representation and Electoral Districts Boundaries Commission recommended a division of the existing 22 electoral districts into 58 single member ridings.

The session is likely to be recalled in late November or early December to consider the capital budget for the coming fiscal year and to deal with legislation remaining on the Order and Notice Paper at the time of adjournment of the spring sitting.

Loredana Catalli Sonier  
Clerk Assistant (Procedural)

---

## Alberta

---

The Fourth Session of the Twenty-Second Legislature of Alberta reconvened for a special two-day sitting from September 21-22, 1992. The purpose of this session was to pass Bill 54, the *Constitutional Referendum Amendment Act, 1992* but the Assembly also dealt with other matters including the introduction of a new member to the House.

**Robert Gary Dickson** was elected in a by-election held on July 21, 1992, in order to fill the seat left vacant by the death of **Sheldon Chumir**. Mr. Dickson was introduced to the Assembly by the Leader of the Liberal Party, **Laurence Decore**, and then took his seat as the Member for Calgary-Buffalo.

The House also observed the tradition of paying its respects to former Members who have died since the House last sat.

A few days before the session was reconvened Premier **Don Getty** announced that he was resigning as the Leader of the Progressive Conservative Party and Premier of the province. The Speaker allowed a special variation in the procedures of the House so that Members could respond to the announcement. **Ray Martin**, Mr. Decore, and the Deputy Premier **Jim Horsman** all thanked Premier Getty for his service to Albertans and wished him well in his future endeavours. This was also one of the rare occasions when the Speaker of the House, Dr. **David Carter**, departed from the tradition of Speakers not speaking in the House in order to pay his regards to the departing Premier. The Premier responded by thanking the Members for their remarks, reaffirming his respect for the Legislature and expressing his admiration for the people working within it.

The House then turned its attention to the major business to be dealt with during this sitting, Bill 54, the *Constitutional Referendum Amendment Act, 1992*. Bill 54 is an amendment to Bill 1, the *Constitutional Referendum Act*, that was passed earlier this session and given Royal Assent on June 26, 1992. The *Constitutional Referendum Act* established that before any resolution to amend the Constitution of Canada could be passed by the Alberta Assembly, a referendum concerning

the proposed amendments must be held in the province and the results of that referendum would be binding on the Assembly. This legislation was unprecedented in Alberta. British Columbia and Quebec are the only other provinces to have this type of legislation governing changes to be made to the Constitution of Canada.

The amendments contained in Bill 54 allowed the federal government to act as the agent for Alberta in carrying out a referendum to amend the Constitution of Canada. In the case that the Legislative Assembly approves the substitution of a constitutional referendum to be held under the *Referendum Act (Canada)*, then the *Constitutional Referendum Act* would no longer apply. The Bill also stipulates that in this event the question on the referendum ballot must be acceptable to the Legislative Assembly of Alberta. As well, two sections found in the *Constitutional Referendum Act* remain in the *Constitutional Referendum Amendment Act* and will still apply to these cases. These are that the referendum must be held before the resolution to amend the Constitution is voted on by the Legislative Assembly, and that the result of the referendum in Alberta be binding on the Government of Alberta, which shall take the necessary steps to implement that result.

This sitting was unusual in two ways. First, all of the parties in the House were in agreement to the Bill in question, and second, the speed at which the Bill was passed. The Assembly not only had to consider Bill 54, but also the motion to accept the text of the federal referendum question as the question that would be asked all Albertans. There were many special variations to the procedures of the House that were necessary for the Bill to be passed in such a short time. These variations included allowing government

business without giving the required notice and allowing the Bill to advance two or more stages in one day. These changes required unanimous consent and would not have been possible without the cooperation of all of the Members of the Assembly.

This short sitting was a chance for Members to put party politics aside in order to concentrate on working together for the best interests of Albertans. It will no doubt have a special place in Alberta's legislative history.

Maureen Geres  
and  
Jacqueline Green  
Legislative Interns  
Alberta Legislative Assembly

---

## Senate

---

The autumn workload in the Senate was restricted by the impending referendum on the Charlottetown agreement and the desire on the part of senators to participate in the process. However, the determination of the Government to pass Bill C-80, an *Act to amend the Income Tax Act*, the *Children's Special Allowances Act* and to repeal the *Family Allowances Act* in the face of Liberal opposition meant that they were unable to leave Ottawa until the 15th of October when the bill received Royal Assent. Calling the bill a capitulation of Canada's commitment to universality of social programs, the Liberals contested the attempts of the Conservatives to pass the bill quickly. In fact, there was some debate at one point by the

Liberals whether or not the Conservatives misled them in committee, effectively ensuring that a minimum of time was spent on the bill before sending it back to the Senate. Finally, time allocation was moved and the bill was passed at third reading and given Royal Assent later the same day.

### Committees

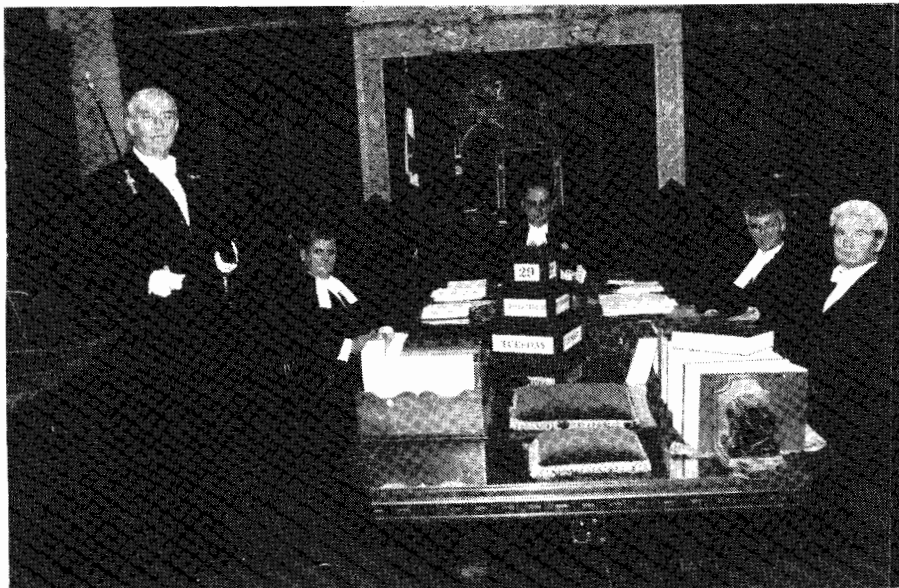
Of note this fall was the continued work of the Sub-Committee on Veterans' Affairs on the CBC mini series *The Valour and the Horror*. The controversial decision of the committee to examine the content of the series in response to the outrage of certain veterans and veterans' groups has been the subject of much debate.

At issue is the concern of veterans that the series was biased towards criticizing the Allied War efforts in general and Canada's actions in particular in pursuing the goal of defeating the Nazis, without giving due weight to the context of that effort. Veterans expressed fears that they were portrayed as heartless and that their efforts and sacrifices had been belittled.

Chairman Senator Jack Marshall argued that the committee had the authority to study the series by virtue of its mandate to cover all aspects of matters concerning veterans, that the series had been funded in part by public money and that there had been accusations that the series contained serious omissions of fact and that veterans required a forum of reply.

Critics of the sub-committee's study are worried about the effect such an inquiry might have on future works which question conventional wisdom on historical events. Especially inasmuch as government policy is concerned. These critics argue that a parliamentary body such as a Senate sub-committee, with its





From left to right are Col. Jean Doré, Gentleman Usher of the Black Rod, Richard Greene, Clerk Assistant, Gordon Barnhart, Clerk of the Senate and Clerk of the Parliaments, Gary O'Brien, Director of Committees and Michael Wheeler-Booth, Clerk of the Parliaments, United Kingdom. (Michael Bedford)

parliamentary immunity from prosecution and the lack of judicial rules of evidence and procedure is not the appropriate forum. At risk, they say, is the climate necessary for free expression and exchange of unorthodox views. A better route of appeal for those who felt wronged by the series say the critics would have been through the office of the ombudsman of the CBC or the CRTC. Parenthetically, the CBC's ombudsman issued a statement on the eve of Remembrance Day citing its finding that the series was, in fact, guilty of some of the criticisms levelled at its methods and interpretations and that the CBC apologized for having aired a program which did not meet its levels for journalistic standards.

Senator Marshall was the Chairman of the same sub-committee which managed to evoke a dis-

claimer from the NFB in regards to a documentary critical of Billy Bishop, a Canadian flying ace from WWI.

### Special Guest

The Senate of Canada was pleased to receive as a special guest, Mr. Michael Wheeler-Booth, Clerk of the Parliaments of the United Kingdom. This was the first official visit of the Clerk of the Parliaments to the Canadian Parliament. Mr. Wheeler-Booth, who is also the Clerk of the House of Lords, spent one week in Ottawa meeting with his counterparts in both the Senate and the House of Commons. He was invited to sit at the Table in the Senate as a guest Clerk and in fact, while at the Table, he wore his full costume that he wears at the Table in the House of Lords.

The visit by Mr. Wheeler-Booth is a continuation of an exchange program between the House of Lords and the Canadian Senate whereby two Senate Committee Clerks have visited London and two Lords Clerks were with the Canadian Senate in the Spring of 1992. These exchanges have led to a sharing of ideas and the promotion of goodwill between the two houses.

Blair Armitage  
Committee Clerk  
The Senate

## House of Commons

The middle months of 1992 will undoubtedly go down in the annals as one of the most emotionally wrenching times in Canadian history. While on the one hand Canadians from coast to coast celebrated the 125th Anniversary of Confederation with great joy and pride, on the other, they watched and listened to leaders of the country debate the founding principles of the nation and negotiate the wording of constitutional amendments which would enshrine those principles, amendments which could fundamentally change the very country they were celebrating.

While the focus of the country may not necessarily have been on the House of Commons over this period, the House finished up a large amount of spring business and was then active in reacting to constitutional events. Briefly, the House was adjourned to the call of the Chair at the end of June. It was recalled in July to deal with a pro-

posed constitutional agreement, but the recall was subsequently rescinded when it was decided that negotiations at the constitutional table would continue. Members were again recalled in September and the House sat primarily to examine the August 28th Charlottetown Consensus and to discuss the question that would be put to the country in the referendum of October 26th. Among other things, the agreement to be voted on proposed that many of our institutions be remodelled; that the aboriginal peoples of Canada have their inherent right to native self-government recognized in the constitution; that a new division of powers be established between the federal and provincial orders of government; and that the province of Quebec be given recognition as a distinct society within Canada. With the defeat of the Accord, the Government announced that its attention would now centre on the economy and economic renewal. The House then again adjourned to the call of the Chair, but according to the adjournment motion, no later than November 16, 1992.

As the sittings of June drew to a close, the House adopted the Main Estimates for fiscal year 1992-1993, held an emergency debate to discuss the crisis facing the Atlantic fisheries, heard an address by Russian President Boris Yeltsin and engaged the study of some controversial pieces of legislation. Bill C-86, *An Act to amend the Immigration Act*, was introduced and referred to a committee. Bill C-91, *An Act to amend the Patent Act*, was introduced and read a first time. A private Member's bill, Bill C-227, *An Act to amend the Criminal Code (desecration of the flag)*, sponsored by Bob Hicks, received second reading and was referred to a legislative committee on June 22, 1992.

## Committees

Several committee reports tabled over this period also gained much attention. On June 11, 1992 the Standing Committee on Justice and the Solicitor General presented its Ninth Report, this one concerning the imprisonment in a Brazilian jail of two Canadians, **Christine Lamont** and **David Spencer**. The report outlined the history of the case, noting how the two had been sentenced to eight to ten years in jail following their trial and conviction on charges of kidnapping, and how the sentences had subsequently been increased to twenty-eight years when the case went before an appellate court. Calling the sentences a "miscarriage of justice" and "grossly disproportionate when compared with sentences imposed in similar circumstances in Canada and Brazil," the Committee unanimously urged the Secretary of State for External Affairs...

...to request without undue delay the expulsion of Christine Lamont and David Spencer in accordance with the laws of Brazil and Canada's international human rights law obligations,

And further, urges that the Minister enhance the program of informing Canadians as to the number of Canadians in foreign jails and the importance of conducting oneself in a way so as to avoid any conflicts with the laws of other countries.

Although the rules state that a committee can request a response to a report within 150 days, the committee, notwithstanding the rule, requested that a response be submitted within 60 days. Continuing its work on other issues, the Justice Committee, on June 22, tabled its Tenth Report, this one concerning the consideration of draft regulations for gun control.

On June 15, the Standing Committee on Health and Welfare, So-

cial Affairs and the Status of Women tabled its Fourth Report, entitled: "Breast Cancer: Unanswered Questions". Revealing the shocking statistics regarding the incidence of breast cancer in Canada, the Committee made some 49 recommendations regarding education campaigns, the establishment of a National Advisory Panel on Screening Mammography and reviews of existing structures in place to deal with the research on, and the diagnosis and treatment of breast cancer. Three days later, the Committee tabled its Fifth Report: "Foetal Alcohol Syndrome: a preventable tragedy". In this report, the Committee suggested that bottles and cans containing alcoholic beverages contain warning labels to pregnant women about the dangers of drinking (interestingly, Canadian-made goods shipped to the United States must carry such labels in order to comply with American laws), and called for a ban on all lifestyle ads of alcohol on radio and television. The committee also requested that the Government respond to both of its reports within 150 days.

Finally, June 23 saw the tabling of the Seventh Report of the Standing Committee on Consumer and Corporate Affairs and Government Operations concerning "Credit Cards in Canada in the Nineties". In this, the third study on the credit card interest rates in recent years, the committee made the following recommendations:

- That the Government introduce in the House of Commons credit card disclosure legislation.
- That the Government commission a study to examine the Canadian Payments Association, INTERAC and any existing or potential payment systems in Canada to determine whether the structure of the payments system, and especially the Automated Teller Machine network, constitutes any sort of bar-

rier to the entry of additional credit card issuers in Canada.

- That the Government commission a study to examine if there are any legal, structural or other impediments that would constitute barrier to entry to potential credit card issuers in Canada.
- That no cap be placed on credit card interest rates in Canada.
- That a comprehensive comparison of interest rates, fees and pertinent credit card terms be released monthly by the Department of Consumer and Corporate Affairs or another Government agency.

The New Democratic Party appended to this a minority report, agreeing with recommendations 1 and 5 of the main report, but adding the following recommendations:

- That in no instance should the spread between card rates and the Bank Rate exceed 8% for financial cards and 16.5% for retail cards.
- That credit card issuers be compelled to calculate interest charges in a manner which fully credits any partial payment by the credit card holder.
- That a Financial Services Ombudsman (FSO) be established to monitor credit rate and financial service charge abuse. The FSO should be

empowered to perform consumer advocacy and referee functions. He/she should report directly to Parliament and maintain a close working relationship with the OSFI and the Department of Consumer and Corporate Affairs. This will ensure that consumers have some control over how the cost of financial services are delivered, and at whose cost.

Pursuant to the rules of the House, the Committee requested a response from the Government within 150 days.

#### Other Matters

On October 30, although the House was not sitting, several MPs had the honour to celebrate the 20th anniversary of their 1972 election. They were: **Harvie Andre, Perrin Beatty, Joe Clark, Stan Darling, Paul Dick, Jake Epp, John A. Fraser, Jean-Robert Gauthier, Otto Jelinek, Bill Kempling, Gus Mitges, Frank Oberle and William Rompkey.** **Herb Gray** celebrated the 30th Anniversary of his election on June 18, 1992. Happy celebrations, however, were also tempered by the

sadder tributes made over this period to former Members, Senator **George Clifford Van Roggen, Pauline Jewett, George McIlraith, and Paul Martin Sr.,** whose passings were indeed a great loss to the political scene of Canada.

A political departure of another type also occurred during this period when Bloc Québécois (BQ) House Leader **Jean Lapierre** resigned from the House, effective August 23. Fellow BQ member **Louis Plamondon** has assumed the House Leader duties for the group. Party standings in the House are now Progressive Conservative caucus, 158; Liberal caucus, 81; New Democratic Party, 44; Bloc québécois, 8; Independent Conservative, 2; Reform Party, 1; and one vacancy.

The House resumed sitting on November 16.

**Barbara Whittaker**  
Table Research Branch  
House of Commons

