



## Legislative Reports



The sittings of the House of Commons between March 8, 1993 and the end of April may have been few in number, but were nonetheless more procedurally eventful than many of the other, more lengthy blocks of sittings during this session. Time allocation was used several times, the Speaker ruled two items to be *prima facie* cases of privilege, a Member was named, committee witnesses were expelled and their testimony expunged, the House Management Committee tabled its report on parliamentary reform, the Finance Minister brought down probably the last budget of this Parliament, and, pursuant to the provisions of the *Parliament of Canada Act*, the Board of Internal Economy tabled by-laws to govern the functioning of the House of Commons.

From a procedural perspective, the proceedings of the House connected with the North American Free Trade Agreement (NAFTA) were indeed extraordinary. During Question Period on March 24, 1993, David Barrett stated that the Government had "lied" about the work of a committee studying the North American Free Trade Agreement. The Member repeated the remark several times, but despite numerous requests from the Speaker that the

comment be withdrawn, Mr. Barrett refused to do so. After discussion about respect for the institutions and rules of Parliament, Speaker Fraser stated that he had no option but to "name" the Member. Mr. Barrett consequently withdrew from the House for the rest of the day. This was the first instance since his September 1986 election as Speaker that Mr. Fraser had named a Member.

On the following day, March 25, the item scheduled for debate was the second reading stage of the NAFTA bill. During Routine Proceedings, a motion was moved to proceed to Orders of the Day, the effect of which would be to move directly to begin the debate on Bill C-115, *An Act to implement the North American Free Trade Agreement*. Having put the question on the motion and having heard no opposition raised, the Deputy Speaker (Andrée Champagne) declared the motion carried. Several Members then intervened to say that they had in fact voiced their opposition, but the Chair had not heard them. They subsequently requested that another vote be taken on the motion. After several minutes of discussion, during which the Minister of Finance began his speech over a background of repeated shouts of "Point of Order", the Deputy Speaker ruled that the vote had been taken definitively and declared the matter closed.

Less than one week later, the Government invoked time allocation on the second reading debate of the NAFTA legislation. Bill Blaikie rose on a point of order and re-

quested that the Speaker refuse to put the question on the time allocation motion, because sufficient debate had not yet been held on the bill. After considerable discussion in the House, the Speaker ruled on March 31 that the Government had followed the rules in place regarding the procedure, and stated: "I have to advise the House that the rule is clear. I cannot find any lawful way that I can exercise a discretion which would unilaterally break a very specific rule." Consequently, the question was put on the motion, and it was adopted. The debate on the second reading of the bill continued for the rest of the sitting, and at the end of the day the House adopted the motion for second reading and referral to a committee.

Another event which received considerable attention over this period concerned the proceedings of the Legislative Committee on Bill C-113, the *Government Expenditure Restraint Act*. On March 11, NDP MP Cid Samson rose on a question of privilege to bring to the House's attention events which had occurred in the committee the day before. On March 10, Mr. Samson explained, a representative of the International Association of Machinists and Aerospace Workers had appeared before the committee. During his appearance, the witness made comments to which several members took objection, and following the refusal of the witness to heed the requests of members to withdraw the remarks, the committee agreed to a motion to expel the witness and to expunge his testimony from the record. Mr.

Samson argued that the committee had taken actions beyond its authority because the testimony of witnesses before committees is privileged; because the correction of the record, which is within the power of the committee, cannot extend to the expunging of whole sections of the verbatim transcript, and because a majority of the committee's members had acted to silence the witness. Mr. Samson then asked that the motion to expunge the testimony be declared null and void, that the testimony in question be restored to the record, or alternatively that the witness be invited to appear again before the committee, that a declaration be made that "the destruction or expunging of a record of a committee is unacceptable, unparliamentary and a breach of our privileges as Members of Parliament", and that the question of the conduct of certain members of the committee be referred to the appropriate committee for proper disciplinary action.

After hearing comments from the Chairman and other members of the committee, the Speaker reserved his ruling. On March 16, the Speaker ruled. Prefacing his remarks with a comment about the Chair's reluctance to interfere with the proceedings of a committee except in certain exceptional cases, the Speaker dealt with each of the objections raised and ultimately ruled that the actions taken by the committee were within its powers. The event, therefore, did not constitute a question of privilege.

While several other questions of privilege were also raised during this period, only two were ruled to be *prima facie* cases by the Speaker. On February 24, Derek Lee rose on a question of privilege to argue that the government was in contempt of Parliament for not having tabled an Order in Council by the time speci-

fied in the provisions of the Customs Tariff. He also noted that he had raised a similar argument in 1992 on the very same matter. The next day, the document in question was tabled. On a related question of privilege, Lloyd Axworthy rose March 29 and stated that the Government had not tabled a response to a report of the Standing Committee on External Affairs and International Trade within 150 days, as requested by the committee in accordance with the Standing Orders.

On April 19, the Speaker ruled on both matters. Stating that the eventual tabling of the Order in Council "does not correct the situation or resolve the fundamental problem", the Speaker explained that procedures outlined in orders of the House and in laws passed by the House must be respected because "...Members cannot function if they do not have access to the material they need for their work and if our rules are being ignored and even statutory instruments are being disregarded". He then ruled that in his opinion the House should have an opportunity to examine the matter of late tabling of items and ruled that there was a *prima facie* case of privilege. Mr. Lee was then given leave to move the following motion: "That the matter of the non-observance of the tabling requirements for Order in Council PC1992-2715 and other documents in the House of Commons be referred to the Standing Committee on House Management." The motion was adopted and the matter is currently before the committee.

The second item ruled to be a *prima facie* case of privilege concerned remarks made by Bloc Québécois Member Benoît Tremblay about one of the Presiding Officers of the House, Charles DeBlois.

On March 16, Gilles Bernier rose on a question of privilege to bring to

the attention of the House an article in a local newspaper, the *Beauport Express*, in which Mr. Tremblay was quoted as having said "Charles DeBlois, one of the acting speakers of the House, is a party to collusion to restrict our party's right to speak in Ottawa". Since Mr. Tremblay was absent the day the issue was raised, the Speaker reserved on the matter until the time that Mr. Tremblay could speak to it. The next week, Mr. Tremblay explained his remarks and noted that what he had meant was that in accepting a position as a Presiding Officer, Mr. DeBlois had accepted to apply the rules of the House which did not confer on the Bloc Québécois official party status.

The Speaker requested that the Member withdraw the remarks unequivocally, but Mr. Tremblay did not do so, instead continuing to explain that he had not meant to question the impartiality of Mr. DeBlois. The Speaker eventually ruled that the remarks called into question the dignity of the House and found that there was a *prima facie* case of privilege. A motion to refer the matter to the House Management Committee, moved by Mr. Bernier, was then put to the House and adopted. Two days later, Mr. Tremblay rose in the House and unequivocally withdrew the remarks about Mr. DeBlois.

Two significant items concerning the internal functioning of the House of Commons were tabled during this period. The Standing Committee on House Management presented its Eighty-First report, in which it made recommendations for some substantial reforms to the existing rules and practices. Specifically, the committee recommended that new guidelines be established for Question Period, including the adoption of a modified roster system for Ministers; that there be added to the proceedings a one-hour question

and answer period for a Minister to be held outside the regular hours of the House; that the Standing Orders be amended to provide for special debates on current events; and that the current legislative process be modified in several ways: bills would go to a committee for examination after first reading, not second reading; legislation (except for supply bills and bills of an urgent nature) would be introduced at least three months before the Government requested adoption; and the process for obtaining Royal Recommendations for bills, and the Royal Assent ceremony would be changed.

The committee also suggested that the procedures governing Private Members' Business and the adjournment proceedings be modified; that two additional Presiding Officers (for a total of six) be chosen and that two of these six Officers be chosen from the Opposition ranks; that there be a new Standing Joint Committee on the Library of Parliament; that the Board of Internal Economy develop proposals for wrap-around programming for parliamentary channel to be reviewed by the Standing Committee on House Management; that the Speaker be given more discretion regarding the choice of individuals who would make Members' Statements; that the Speaker be the one to decide whether or not time allocation or closure was appropriate in a particular circumstance; and that Members be allowed to make statements for a portion of the time employed during a 30-minute division bell. This report has not yet been concurred in.

Pursuant to the provisions of the *Parliament of Canada Act*, the Board of Internal Economy tabled on April 19, 1993 the first set of by-laws for the House of Commons, which detail among other things the rules

regarding members' allowances, services and rights, the jurisdiction of House Officers, and the services to be provided to parties.

On the financial front, on April 26 Finance Minister Don Mazankowski brought down what could likely be the last budget of this Parliament. The House also debated several supply day motions, including those condemning the government for "its abandonment of aboriginal families and children" (March 10); for "policies regarding jobs and job creation, post-secondary education and job training and retraining that are having the effect of robbing a whole generation of young Canadians of their legitimate aspirations" (March 18), "for its policies that have stifled economic growth, destroyed Canadian jobs and exacerbated the recession" (March 22); "for policies which have decimated the economy forcing company closures resulting in job losses for Canadian workers" (April 22); and for the "lack of leadership, the evasion of accountability and responsibility and the inadequate credibility of the Minister of National Defence that have exposed members of the Canadian Forces on difficult and sensitive peace-keeping missions to unnecessary vulnerability and that contribute to the gravity of national fiscal problems by her persisting in the acquisition of enormously expensive equipment designed for missions no longer contemplated" (April 29).

In yet another supply day motion it was moved that the House recognize the Government's economic plan, including the Free Trade Agreement, the North American Free Trade Agreement and the Goods and Services Tax, as a failure (March 15). Supplementary Estimates (C) 1992-93 and Interim Supply for the fiscal year 1993-94 were also adopted during this period.

On the legislative front, a Special Joint Committee of the House of Commons and the Senate was established to study Bill C-116, *Conflict of Interest of Public Office Holders Act*. The following bills were passed by the House of Commons at third reading: C-73, *Canada Post Corporation Act amendment*, which contains provisions to allow Canada Post to create an employee share ownership plan for its 57,000 employees; C-83, *Carriage of Goods by Water Act*; C-92, *An Act to amend the Income Tax Act, the Canada Pension Plan, the Income Tax Conventions Interpretation Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act and certain related Acts*, which implements a number of changes first announced in the February 1992 budget; C-93, *Budget Implementation (Government Organization) Act*, 1992 which winds up and/or transfers to existing or new government institutions the functions of such bodies as the Social Sciences and Humanities Research Council, the Agricultural Products Board, Enterprise Cape Breton Corporation, Emergency Preparedness Canada, the Petroleum Marketing Agency, and the office of the Director, Veterans' Land Act, and which merges the functions of such agencies as the Royal Canadian Mounted Police External Review Committee and the RCMP Public Complaints Commission into an Independent Review Commission for the RCMP, and the functions the Canadian International Trade Tribunal and the Procurement Review Board into an International Trade and Procurement Tribunal; C-97, *Marine Insurance Act*; C-102, *An Act to amend the Customs Tariff, the Excise Act, the Excise Tax Act, the Customs Act, the Criminal Code and a related Act* which includes measures developed to deal with cross-border shopping, tobacco smuggling and tobacco tax evasion; C-114, *Canada Elections Act amend-*

ment, which, among other things, changes several of the current voting rules to allow more Canadians to exercise their voting rights, limits third party advertising, prohibits the publication of opinion surveys 72 hours before election day and places more stringent requirements on candidate nominations; C-117, *Borrowing Authority Act*, 1993-94; C-371, *National Child Day Act*; S-8, *Motor Vehicle Safety Act* and S-17, *Intellectual Property Law Improvement Act*. The following items received Royal Assent between March 8 and April 30: C-69, *Criminal Code amendment (air and maritime safety)*; C-76, *Budget Implementation (fiscal measures) Act*, 1992; C-79, *An Act to amend the Divorce Act and the Family Order and Agreements Enforcement Assistance Act*, which contains provisions to assist people in collecting family support payments; C-95, *Farm Credit Corporation Act*; C-99, *Small Business Loans Act amendment*; C-104, *Saskatchewan Treaty Land Entitlement Act*; C-111, *Tobacco Sales to Young Persons Act*, which makes it illegal to sell cigarettes to those under the age of 18; C-113, *Government Expenditure Restraint Act*, No. 2, 1993; C-119, *Appropriation Act No. 4*, 1992-1993; and C-120, *Appropriation Act No. 1*, 1993-1994.

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The First Session of British Columbia's Thirty-fifth Legislature was prorogued on the

morning of March 18, 1993. It was a busy session, running for 112 days, during which 95 bills were introduced. Of these, 83 were passed - 81 public bills and 2 private bills. Legislative highlights included the *Freedom of Information and Protection of Privacy Act* and a new *Labour Relations Code*.

The opening of the Second Session had an unexpected interruption on the afternoon of March 18, 1993. Approximately two hundred protesters occupied the Parliament Buildings and broke into the chamber, interrupting the Lieutenant Governor's delivery of the Speech from the Throne. The group eventually agreed to leave the buildings and the proceedings continued after an hour and a half delay.

On March 19, 1993 David Mitchell rose on a matter of privilege. He stated that the incident on opening day constituted a serious contempt of Parliament and asked the Speaker to make a ruling on the matter. On March 24, 1993, Speaker Joan Sawicki ruled that the events of March 18, 1993 did amount to a *prima facie* case of breach of privilege. Her decision was based in part upon Section 5 of the *Legislative Assembly Privilege Act* in which breach of privilege is defined as actions which "obstruct, threaten or attempt to force or intimidate members of the Assembly".

Following this decision, Mr. Mitchell moved a motion that recognized the rights of Parliament, condemned the abuse of those rights, and authorized the Legislative Assembly to take further action with respect to the interference of proceedings on March 18.

The Government House Leader, Moe Sihota, condemned the actions of the protesters and reaffirmed the government's commitment to

making the Legislature open and accessible to all British Columbians. He recommended that the Assembly await the results of the police investigation into the incident before taking further action. The House Leader of the Official Opposition, Jeremy Dalton, endorsed the comments of the Government House Leader. The motion was adopted by the Legislative Assembly.

In the Speech from the Throne, the Harcourt government outlined the challenges it faces in the coming year. These include controlling spending growth, capping the deficit, reforming the health care system, building a sustainable economy, and resolving land use conflicts. The government restated its commitment to the provision of vital services, especially health care and education.

The 1993 budget was introduced in the House by the Minister of Finance and Corporate Relations, Glen Clark on March 30, 1993. Spending on social services was increased by 17 per cent over last year; education 3 per cent; health care 4.2 per cent; and debt servicing 18 per cent.

The Premier and Cabinet Ministers have taken a 5 per cent pay cut, and the 1992 freeze on MLAs salaries will be continued. In addition, seven government boards and commissions and five percent of all senior management positions will be eliminated. The provincial sales tax is being increased one percentage point to 7 percent and applied to more items and services. Tobacco, fuel and corporate taxes on large corporations are also increasing. The personal income tax surtax for those earning more than \$60,000 will increase in January, 1994. Low income families will receive a sales tax credit, and be exempt from an increase in medical premiums.

A multi-year plan to invest in and improve the province's economy was announced prior to release of the budget. The plan, titled BC 21, was introduced in the House as Bill 3, *The Build BC Act*. Its aim is to promote projects that build infrastructure such as highways, schools, and health care centres; target government investment to regions hardest hit by the economic downturn; and invest new expenditures to develop innovative approaches to investment and job creation.

In response to the Speech from the Throne and the Budget, the interim Leader of the Official Opposition, **Fred Gingell**, was critical of the proposed tax increases. He stated that taxpayers are unwilling to pay more in taxes when the government is not making significant cuts in its spending. He reprimanded the government for not having a long-term economic strategy and cutting spending to the wealth-creating ministries such as Agriculture; Economic Development, Small Business and Trade; and Energy, Mines and Petroleum Resources.

The Leader of the Third Party, **Jack Weisgerber**, was also critical of the Speech from the Throne and the Budget. He attacked the government for providing teachers, health care workers and government employees with wage increases.

### Committee Activity

On March 25, 1993, the Special Committee of Selection tabled its report and thirteen Select Standing Committees were appointed. Seven committees had been active during the First Session, six of which had not completed their work by prorogation. These issues were re-referred in the Second Session.

The Select Standing Committee on Health and Social Services was authorized to recommend regula-

tions concerning the sale of tobacco products to minors. The Committee conducted four public meetings and heard from eighteen witnesses representing anti-smoking groups and retailers. Sixty-two written submissions were received from doctors, boards of health, and many concerned citizens. The Chair of the Committee, **David Schreck**, tabled the Committee's report on March 26, 1993. It recommended that the minimum age for purchasing tobacco be raised to eighteen years, and that cigarette packages contain a minimum of twenty cigarettes. The penalties for non-compliance by vendors includes suspension of the tobacco licence and a maximum fine of \$100,000.

The Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills is examining the results of the October, 1991 British Columbia referendum and determining whether recall and initiative processes would be appropriate for this province. In the fall of 1992, the Committee heard from academics who specialize in direct democracy and electoral reform and examined the use of recall and initiative in other jurisdictions. The Committee also began an extensive schedule of public meetings. To date, the Committee has received 165 written submissions and 205 verbal presentations.

The Select Standing Committee on Aboriginal Affairs is conducting a review of the First Citizens' Fund Loan Program. The Program, established in 1988, offers loans with a fifty percent deferred contribution to Aboriginal entrepreneurs wanting to establish or expand a small business. After familiarizing themselves with the Loan Program and issues relating to Aboriginal economic development, the Committee members travelled to the province's

eight economic development regions to consult with Aboriginal leaders and entrepreneurs, clients of the program, and staff from its delivery agencies. The Committee has heard from approximately 130 witnesses and received 88 written submissions. It is expected to submit a report to the Legislative Assembly in May, 1993.

The Select Standing Committee on Forests, Energy, Mines and Petroleum Resources is examining the issue of lumber supply to remanufacturers. After touring a number of remanufacturing plants in British Columbia and Washington State, the Committee held eleven public hearings throughout the province. One hundred and thirty-eight witnesses, representing both major forest companies and remanufacturers, appeared before the Committee and 131 written submissions were received. The Committee is expected to submit a report to the Legislative Assembly in June, 1993.

The Select Standing Committee on Economic Development, Science, Labour, Training and Technology is examining the implications of the North American Free Trade Agreement for British Columbia and Canada. During an initial round of hearings, the Committee heard presentations from academics, public interest groups, and representatives of business and labour. The Committee's first report was tabled in the Legislative Assembly on April 29, 1993. It contained some preliminary observations and questions for further discussion. Thirteen public hearings are scheduled to be held throughout the province in April and May and a final report is expected to be presented to the House in June, 1993.

The Special Committee to Appoint an Information and Privacy Commissioner has been authorized



to select and unanimously recommend to the Legislative Assembly, the appointment of British Columbia's first Information and Privacy Commissioner. The Committee received 222 applications and will be conducting interviews in May. A report recommending the successful candidate is expected to be tabled in June, 1993.

The Select Standing Committee on Justice, Constitutional Affairs and Intergovernmental Relations has been authorized to examine the report of the 1992 Compensation Advisory Committee and make recommendations to the Legislative Assembly regarding the fixing of salaries for judges of the Provincial Court. The Committee is expected to table its report in June, 1993.

The Select Standing Committee on Public Accounts has been authorized to examine the 1993 Annual Report of the Auditor General. Specific topics for consideration include Crown Societies, the purchase of Environmental Laboratory Services by the Ministry of Environment, Lands and Parks, and three value-for-money audits conducted by the Ministry of Social Services. The Committee is expected to table its report in June, 1993.

#### Special Events

The mid-year Executive Committee meeting of the Commonwealth Parliamentary Association was held in Victoria from March 28 to April 3, 1993. Twenty-six delegates from seventeen Commonwealth countries attended the meeting. The delegates discussed the importance of promoting mutual co-operation among Commonwealth countries and international agencies when addressing economic, social, environmental and human rights issues. The Executive Committee also set the agenda for the 39th Common-

wealth Parliamentary Conference to be held in Limassol, Cyprus from September 3-11, 1993. The meetings were productive and the delegates enjoyed the opportunity to visit the host city of the 1994 Commonwealth Games.

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**T**he National Assembly resumed deliberations on March 9, 1993, pursuant to the Standing Orders. On the first sitting day the Leader of the Official Opposition, Guy Chevrette, advised the Chair of his intention to rise on a question of privilege. The alleged contempt of the Assembly consisted in the failure by twenty-one ministries and government agencies to report to the Assembly on their activities by the deadline stipulated in their respective constituent acts, thereby not only breaking the law but also depriving the Members of the Assembly of information to which they are entitled.

After taking the question under advisement, Speaker, Jean-Pierre Saintonge, ruled it in order several days later, noting that there was a *prima facie* case of contempt. He pointed out when announcing his decision that for the Assembly to rule on the substance of the question, the Member who had alleged the breach of privilege must present a notice of motion for each separate instance, stating the grounds and the name of the person

whose conduct was at issue. Twenty-one priority notices of motion appeared on the *Order Paper* for March 17, standing in the name of the Opposition House Leader, to be debated the following day.

The first day was devoted to a lengthy procedural debate on whether the motions were in order. The Speaker informed the Assembly that a private ruling had been handed down in the presence of the House Leaders setting out conditions for the consideration of the twenty-one motions. The conditions were as follows: Each instance had to be the subject of one motion, which could be neither amended nor divided and which could not call for any penalty. Penalties, if any, would be determined by the Assembly, taking into account the recommendations of the National Assembly Committee. The mover of the motion and the person named were each to be given twenty minutes to speak, after which the Committee would be convened by the Speaker to enquire into the matter. It would hold one enquiry into all the alleged instances of contempt. The Assembly would vote on the Committee's report and then on each of the motions, and finally on motions proposing penalties, if any.

After an agreement was reached among the House Leaders on how to organize the proceedings on the motions, they were considered as follows: Mr Chevrette, as the mover, was allowed to speak for twenty minutes to introduce all the motions. Then the Assembly met in Committee of the Whole to consider each of the motions, in the presence of the Minister concerned. When debate ended, Mr Chevrette introduced a non-amendable motion in place of a conclusion and recommendation. The Assembly concluded the matter by adopting

the report of the Committee of the Whole and Mr Chevette's motion reiterating the importance for parliamentarians of timely access to all information on the activities of ministries and government agencies.

Three issues are of special concern to the government and have occupied a dominant place in the proceedings so far:

- First, the language question. The Quebec government has until December 31, 1993, to decide whether or not it will renew for another five years the invocation of the Constitution's "notwithstanding" clause that permits Bill 178 to limit the use of a language other than French on commercial signs. In the course of the deliberations the government plans to examine the findings of the United Nations Human Rights Committee, the official text of which will be published in May. The UN Committee apparently found that Bill 178 violated the freedom of expression guaranteed by the International Covenant on Civil and Political Rights. Another aspect to be considered is access to English-language schools for immigrant children.
- Negotiations with public sector employees. The President of the provincial Treasury Board is suggesting, among other things, a two-year wage freeze for civil servants.
- The economy. In Question Period there has been reaction from all sides on the federal budget, and varying degrees of disquiet have been expressed about the debt load and the high unemployment rate.

Spring in Quebec is not just the season of tulips. Like the rest of Canada, it is also the season when the government's proposed

spending comes under scrutiny. On March 24 the President of the provincial Treasury Board, Daniel Johnson, tabled estimates for 1993-94 of \$41,087,000.00. This is an increase of 0.9 per cent over last year. Only the debt and the income security sector have gone up: spending on health care, social services, education and all other programs has gone down.

Among other topics arousing considerable interest during Question Period has been the current restructuring at the Ministry of Transport, the result of transferring some 33,000 kilometres of highway from the Ministry to local municipalities, which will now be responsible for maintaining them.

The legislation to reform post-secondary education is the most important legislation introduced so far during this part of the session. Two major bills have been brought in, amending or repealing a number of statutes on institutions of higher education, such as cégeps, private colleges and universities.

The first of these two bills would set up a board to study the evaluation of post-secondary education. Its mandate would be to examine educational institutions' policies on evaluating learning and curricula.

The second would amend the *General and Vocational Colleges Act*, especially with respect to cégeps' internal organization. It would explicitly authorize cégeps to get involved in applied research, provision of technical assistance to business, technological innovation, regional development and international co-operation, and it would also empower the government to establish curricula for the cégeps.

The intention is to make changes at the secondary level as well, to

ensure consistency and continuity in Quebec's education system and eliminate duplication.

Lastly, a highlight of the session so far has been the return to parliamentary activity of Premier, Robert Bourassa, after a convalescence of several months during which the Deputy Premier, Lise Bacon, assumed leadership of the government in his stead.

Nancy Ford and Jean Bédard  
Assembly Secretariat



### Legislative Committees

The fall session was cut short by the referendum campaign, but in December the National Assembly gave six of its eight committees general mandates to hold hearings and adjourned its work, leaving the committees considerable scope for activity.

The result was that even though the Assembly was not sitting, the period from February 1 to April 15 was extremely busy for the committees. They held no fewer than 93 sittings, of which 49 were hearings and another eight were special inquiries.

As usual, the Land Use and Infrastructure Committee wasted no time in idleness, despite the fact that it had not been given a general mandate to hold hearings. It set aside four sittings to consider five private bills on municipal matters, five further sittings for a financial review, and one sitting for consultations on the future of the regions. With respect to public bills, the Committee completed its consideration of Bill 56, amending the *Act respecting land use planning and development*, an undertaking it had begun in December.

Consultations were held as part of the consideration process. Bill 56 proposes a number of changes to the Act in particular its environmental provisions.

The Committee also considered Bill 62, amending the Act respecting transportation by taxi. The aim of the Bill is to regulate services of transportation by taxi and limousine more appropriately, and to clarify the conditions under which transportation provided by volunteers in the context of charitable activities is exempt from the Act's provisions. Consideration of the Bill involved hearing from invited witnesses.

Lastly, the Committee approved Bill 75, abolishing the Société d'aménagement de l'Outaouais. Its powers and role will now be entrusted to the Communauté urbaine de l'Outaouais.

The Agriculture, Fisheries and Food Committee devoted one sitting to a financial review and at another approved two bills: Bill 76, amending the Agricultural Products, Marine Products and Food Act and repealing the *Act respecting the bread trade*, and Bill 69, amending the *Animal Health Protection Act*. The latter Bill deals mainly with domestic animals and animals kept in captivity.

The Social Affairs Committee wrapped up hearings on alternative therapies in early March. It received 86 briefs, of which 33 were presented in the course of four hearings. The Committee had three aspects to consider: professional recognition of certain alternative therapists (and mechanisms for recognizing therapists without professional status); informing the public; and the contribution of the public health-care system to the development of alternative approaches. Appearing before the Committee were proponents of traditional medicine and methods,

supporters and practitioners of new, so-called "alternative" therapies, and consumers' rights groups.

The Committee then went on to consider a bill making a number of amendments to Quebec's pension plan. Among them are eligibility to receive a surviving spouse's pension, division of a retirement pension between the beneficiary and his or her spouse, and new conditions governing duration of eligibility to pay disability insurance premiums. This Bill, which has 112 clauses, was the subject of special hearings so that it could be approved with amendments in three sittings. The Committee then carried out a financial review, and held consultations on the Hôtel-Dieu Hospital in Montreal.

One of the notable activities during this period was the hearings on the funding of public services. The mandate to hold the hearings had been given to the Budget and Administration Committee on December 2, and it devoted eleven sittings to the process (February 2-18). One of the unique features of the process was that three Ministers had been designated members of the Committee: the Minister of Finance, the President of the Treasury Board and the Minister of Revenue. The Committee received 82 briefs and invited 73 of the people or groups responsible for them to appear before the Committee and say what they thought the system needed and what the public expected (and was prepared to be taxed to pay for) in the way of services.

The Committee was also the scene of an unusual occurrence for the National Assembly, when it considered and approved a public bill introduced by a backbencher. This was Bill 198, *An Act respecting limitations on hiring by government*

*agencies and the accountability of civil servants and managers of public agencies*. Consideration of this Bill began on December 15, and six further sittings were required for it to be approved as amended. The Bill's purpose is to restrict the replacement of employees of the government or of public agencies who leave their jobs. It provides for a 20-per-cent reduction in managerial staff and would make senior civil servants accountable for their duties and mandates to committees of the Assembly.

The Committee also began consideration of a bill amending the *Taxation Act*, held a sitting to study the Auditor General's Report, carried out a financial review, and held consultations on tobacco smuggling and illicit tobacco sales.

The Cultural Affairs Committee also held hearings on a bill that has aroused considerable protest and just as much expectation. This was Bill 68 on the protection of personal information in the private sector. Its main purpose is to establish rules governing personal information gathered and kept by private-sector enterprises, based on the provisions of Quebec's *Civil Code* regarding protection of personal information. The Committee received 41 briefs and heard 38 of them presented in the course of six sittings. It goes without saying that the Bill was opposed by financial institutions, insurance companies and credit bureaus, while consumer protection and civil rights groups supported it, and even called for certain provisions to be strengthened.

The Education Committee started this period with a financial review and by considering and approving a bill amending the *Act respecting the accreditation and financing of students' associations*. The Act allows for the accreditation of individual associations, or a federation of associations, at a university,



depending on whether the students concerned are undergraduates, graduates or continuing education students.

The Committee also held eight hearings under its general mandate. The subject was a draft bill amending the *Professional Code*, and the Committee heard from 55 of the 60 people and groups who submitted briefs. The draft bill is designed to strengthen and accelerate the process for handling complaints from the public by the disciplinary committees of professional associations. The handling of sexual abuse and harassment complaints by certain groups of professionals was also on the agenda.

The Economy and Labour Committee began the month of February with a consideration of two bills, of which the one amending the *Labour Code* was the occasion for a special inquiry during which the Committee heard from six groups. However, the Committee's key activity was undoubtedly its hearings on Hydro-Québec's proposed development plan for 1993-1995.

When Hydro-Québec brings a three-year development plan before the Committee the latter holds broad public hearings that always attract a great deal of publicity and public participation. The mandate was entrusted to the Committee at the end of November and 88 briefs were received. The 17 hearings (February 28-March 25) were televised in their entirety and gave 84 individuals and groups the opportunity to respond to all aspects – social, economic and environmental – of Hydro-Québec's proposals.

The hearings were followed by a special inquiry at which the Committee heard from the Minister of Industry and Commerce and executives of the Société générale de

financement (SGF). The debate was about a proposal by the Société to invest in the petrochemical sector. Under its constituent legislation, the SGF's investments must reflect either a specific provision in the *Act* or a directive from the Minister of Industry and Commerce. It was such a directive that was before the Committee.

The Institutions Committee was not idle either. After a financial review it held hearings on the North American Free Trade Agreement. The original free trade agreement between Canada and the United States was the occasion of massive consultations in a special format where non-parliamentarians could participate in the Committee's discussions. This time, although the hearings were open to all, they attracted more modest participation: the Committee received 20 briefs and held three sittings at which it heard from 18 groups.

From April 20 to the beginning of May, the eight committees have been busy with the annual consideration of the estimates, a process which according to some MNAs resembles an Olympic marathon. In Quebec, ministry and agency estimates submitted for the parliamentary approval must be considered and approved in committee. The Standing Orders provide a total envelope of 200 hours, limited to a maximum of 20 hours for any one ministry. The division of this time among the various ministries is decided by an agreement of the House Leaders, which the Speaker communicates to the Assembly. One feature of this period of activity is that the Assembly sits only for routine business, including Question Period, and may not, except in emergencies, debate legislation. This enables four committees to sit simultaneously. Under the Standing Orders, consideration of

the estimates should be complete within 10 consecutive days but the deadline has almost never been met and this year 13 sitting days have been allocated. At the end of that time, the estimates for the National Assembly itself are considered in plenary session and all the committee reports are tabled at once.

Christian Comeau  
Committee Clerk



**D**uring the first 31 days of the 2nd session, members of the 52nd Legislative Assembly approved 53 of 59 pieces of legislation, scrutinized the estimates for a \$3.9 billion Ordinary Account budget, debated 19 motions, tabled a number of documents, and welcomed a new member, before adjourning May 7.

On March 16, Opening Day, Premier Frank McKenna presented John Lebars, newly-elected Member for Moncton North. A Liberal, he was elected in a February 15 by-election to fill the vacancy created by the December 11, 1992 resignation of Michael McKee. Mr. McKee, who has since been appointed a Judge of the Provincial Court, held the seat for the Liberals since 1974.

### Throne Speech

The Throne Speech, delivered by Lieutenant-Governor Gilbert Finn, emphasized the need for New Brun-

swickers to become more self-reliant and focused on four major policy areas: economic development and job creation; education and training; fiscal responsibility, and maintenance of quality life in a healthy, clean and safe environment.

The government promised to prioritize employment opportunities under the single Partners "Umbrella" Program emphasizing partnerships between government, employers in all sectors, and communities.

Educational and training priorities would be drawn from the reports of the Commission on Excellence in Education and would include early childhood initiatives, help for special needs students, Distance Education and revision to the Student Aid Program.

Priority would be given to balancing the provincial budget, reducing the net debt, increasing productivity in the public service and containing health costs while delivering vital services.

Two days later, Official Opposition Leader **Danny Cameron**, described the Throne Speech as "...a box of band-aid programs that fail to address the economy and which, one must assume, exist only to confuse and procrastinate with respect to job creation."

Mr. Cameron reiterated his position of a year ago on official bilingualism, stating that he was: "unmoved by the Premier's defence of official bilingualism, including its cost, and that my party did not agree with that principle."

On the entrenchment of the constitutional amendment that recognizes equality of the two linguistic communities, he stated: "Clearly, this amendment has failed the other minorities of this province: the aboriginal and other ethnic groups ... Until this amendment has

been declared unconstitutional, or rescinded, it will continue to be an instrument of segregation, mistrust and intolerance."

He criticized the government for managing the economy by raising taxes and user fees, cutting health and education services, and levying a fuel tax charge to help defray the cost of the Northumberland Strait fixed crossing.

Mr. Cameron suggested that the government examine alternatives to the present system of electricity, including the use of natural gas, the purchase of electrical power from utilities in Quebec and Labrador, and the partial privatization of NB Power, to help reduce the public debt.

#### Budget

On March 31, Finance Minister **Alan Maher**, delivering his sixth budget in as many years, reiterated the province's commitment to fiscal and financial responsibility—limiting growth in ordinary account spending to 1.7% (after adjusting for accounting changes), the lowest growth in decades; keeping taxes below other provincial averages; keeping Ordinary Account deficit at \$41.5 million, down \$95.8 million from the previous year; and establishing conditions to balance ordinary revenues and expenditures in the next 12 months.

Included in the budget's fiscal plan: balanced budget legislation, increased efficiency resulting in \$70 million saving, adjustments to essential programs, tax changes to ensure equity and fairness, and a moratorium on construction of new capital facilities. On the expenditure side, the minister stated the government would limit funding for new or enhanced programs except for those already announced such as the Excellence in Education program; control spending on the

capital account; address the question of local government in rural areas through the Commission on Land Use and Rural Environment; reduce the Provincial-Municipal Fiscal transfers envelope by \$8 million in the 1994 municipal fiscal year; review the Prescription Drug Program, assist the Department of Income Assistance to live within its budget; increase access to Community Colleges; freeze salaries for the Premier, cabinet ministers and MLAs, remove an additional 500 full time equivalent positions in government (through attrition, redeployment, and reorganization where possible).

To increase revenue the government will have the federal government collect provincial sales tax at the border, eliminate the \$1 prepared meal exemption, redefine the term "basic groceries" in line with federal definition, limit the exemption for clothing and footwear to purchases of \$100 or less; extend sales tax to recreational services and purchases made by status Indians (with exemption from sales tax on goods and services purchased on or delivered by the vendor to reserve lands) increase personal income tax and property tax on freehold timber and farm woodlots, eliminate the senior citizen \$200 property tax allowance to those with ability to pay, increase the province's share of net video lottery earnings.

Finance Critic **Brent Taylor**, in responding to the Budget Speech April 2, 1993, took issue with the reforms to health care and education; abandonment of the arterial highway trust fund; capping of the environmental trust fund; absence of tax increase on corporations; an \$8-million cut in the municipal transfers envelope; closed-door public consultation process; changes in taxes on

freehold timberland, sports equipment, recreational services, personal income, and increased profits from video lotteries, and questioned the government's ability to provide proper and accurate figures on which to base their fiscal reasoning.

Mr. Taylor claimed this budget did not apply the burden of taxation fairly on all sectors of the economy — it taxed homeowners, farmers, seniors, children's candy, athletes, woodlot owners, fertilizer, newspapers, school supplies, and meals.

He maintained that the government could have:

"instituted a broadly based tax on paid-up capital of corporations, thereby raising tens of millions of dollars. It could have closed frilly departments, such as the Department of Intergovernmental Affairs, thereby saving about \$1 million. It could have reclaimed its portion of the L'Acadie Nouvelle trust fund, which would have put \$4 million back into the treasury. It could have removed the new car privileges from many Cabinet ministers and top civil servants, which would have saved the province hundreds of thousands of dollars. It could have further reduced the size of Cabinet by at least two..."

He commended the government's elimination of 23 agencies with another 23 reduced to 6 through amalgamation and agreed with the decision to apply sales tax to all off-reserve purchases by New Brunswickers, regardless of race.

On April 13, two weeks after the budget had been brought down, Premier McKenna rose in the House to state in response to the Native blockade of the TransCanada Highway: "...we cannot develop fiscal policy on the basis of roadblocks." Several days later the Finance Minister clarified the

government's position: "The government is prepared to consider some form of a limited rebate program for Natives living on-reserve for certain purchases where evidence is supplied indicating the goods were taken to the reserve and consumed there."

### Electoral Reform

Among the documents tabled was the *Proposed electoral districts brief descriptions May 1993*, by the Representation and Electoral District Boundaries Commission. The guiding principles for the new electoral map were effective representation, relative equality of voting power, community of interest; history, economic activity, social, linguistic and cultural values and affinities; size of riding and communication links; natural barriers, population trends and gravitational patterns to larger centres; proposed names to identify with communities.

The Commission has scheduled public hearings on the proposed electoral map for May and June and will table its final recommendations with the Legislature's Select Committee on Representation and Electoral Boundaries.

### Legislation

Three bills introduced last session and referred to the Standing Committee on Law Amendments for public input were reintroduced and passed. *An Act to Amend The Residential Tenancies Act* and the *Personal Property Security Act* were recommended while the terms of Balance Budget Period in *An Act Respecting the Balancing of the Ordinary Expenditures and Ordinary Revenues of the Province* were changed from "five years to four years beginning April 1, 1996 and ending March 31, 2000 and that the term of four years be one legislated time period to be provided continually after that".

During the one day sitting of Committee of the Whole, 48 Bills were considered and reported. Two bills, Bill 37, *An Act to Amend the Prescription Drug Act*, and Bill 30, *An Act to Amend the Clean Water Act*, were the focus of the most discussion in Committee.

The former provides the Minister of Health and Community Services with the authority to be reimbursed by pharmaceutical manufacturers for costs associated with determining whether or not to list a drug produced by the manufacturer in the New Brunswick Therapeutic Drug Formulary and Interchangeable Products List and with the authority to limit in a calendar year the maximum aggregate amount of a drug to which a beneficiary is entitled under the prescription drug program. The latter, Bill 30, deals primarily with changes to the process used to designate municipal water supply watersheds as protected areas.

Among the Private Bills passed was *An Act to Amend an Act Respecting the New Brunswick Medical Society and The College of Physicians and Surgeons of New Brunswick*, which authorizes the College of Physicians and Surgeons of New Brunswick to enter into arrangements with the physician licensing authorities of the other Atlantic provinces to promote uniformity in Atlantic Canada in the area of peer assessment.

Elizabeth Weir, Leader of the New Democrats, introduced two Private Members' Public Bills, which received second reading and stand referred to the Committee of the Whole: Bill 16, *An Act to Amend An Act Respecting the New Brunswick Medical Society and the College of Physicians and Surgeons of New Brunswick* and Bill 21, *An Act Respecting a Day of Mourning for Persons Killed or Injured in the Workplace*. The overall goal of Bill 16

is to deter and reduce sexual abuse of patients by physicians by requiring reporting and better disciplining of abusers.

Social issues and health care occupied by far the most legislative time, the latter dominating three of fourteen days during discussion of estimates in Committee of Supply, and much of Question Period.

By contrast, the House resolved itself only once into a Committee of the Whole to consider 48 of the 49 Public Bills introduced, more than half of which had been introduced two days earlier, prompting the Opposition to introduce a motion requesting that:

"the matter of the time required in the Standing Rules to pass legislation be referred to the Standing Committee on Procedure so it may bring forth recommendations with respect to how this Assembly can better serve the public by allowing for more time for comment between the first reading and third reading of Bills."

**Dennis Cochrane**, Leader of the Progressive Conservative Party, in closing remarks to the House on May 7, reminded the government that 155 days had gone by since the vacancy in the constituency of Carleton North as a result of the December 3, 1992 conviction under the *Elections Act* of Liberal Member **Fred Harvey**. Premier McKenna has since announced a by-election date of June 28.

Current standings in the House are: Liberals, 45; Confederation of Regions, 8; Progressive Conservatives, 3; New Democrats, 1 and Vacancy, 1.

**Diane Taylor Myles**  
Research Officer



The 3rd Session of the 35th Parliament opened on April 13, 1993. His Honour the Lieutenant Governor **Henry N.R. Jackman** read the Speech from the Throne which outlined the government's 10-point plan to address, among other things, fiscal management; job creation; and respect for the environment.

By-elections on April 1, 1993 resulted in the election of two new members to the Legislative Assembly. On April 14, 1993, Liberal Member **Tim Murphy** representing the electoral district of St. George-St. David and Progressive Conservative Member **David Johnson** representing the electoral district of Don Mills took their seats in the House.

For the first time since 1969, the Ontario Legislature has independent members in its chamber. **Dennis Drainville** announced his resignation from the New Democratic Party Caucus on April 28, 1993 and now sits as an independent member. In addition, **Will Ferguson**, formerly of the New Democratic Party caucus and **John Sola**, formerly of the Liberal Party caucus now sit as independent members.

#### Committees

In August 1992, the Standing Committee on Administration of Justice chaired by **Mike Cooper**, concluded public hearings on four government bills relating to advocacy legislation - Bills 74, 108, 109, and 110; and on 5 October, completed clause-by-clause consideration. In total, the Committee considered over 400

amendments to the package. The Bills have received Royal Assent.

Public hearings were also held on New Democratic Party Member **David Wininger's** Private Members' Bill, Bill 15, *An Act to amend the Human Rights Code*, which would prohibit discrimination in employment against persons aged sixty-five and over. The Committee did not conduct clause-by-clause examination of the Bill as it was not carried over to the third session.

During the winter recess of the 2nd Session, the Committee held hearings on Bill 102, *An Act to amend the Pay Equity Act* and Bill 169, *An Act to amend the Public Service Act and the Crown Employees Collective Bargaining Act*. Bill 102 establishes two additional methods of determining whether pay equity exists for a female job class, the proportional value method and the proxy method. Bill 169 amends the *Public Service Act* to provide that individuals become public servants, civil servants and Crown employees only by an express appointment as such. The Bills were reported to the House with amendments.

For the 3rd Session, the Committee elected a new Chair, **Rosario Marchese**, and Vice-Chair, **Margaret Harrington**.

Under a Standing Order 125 designation, the Committee began public hearings on 31 May 1993 on the designation by Progressive Conservative Member **Cam Jackson** with respect to the issue of Victims of Crime giving particular consideration to the issue of a victims' bill of rights. As set out in Standing Order 125, this matter will be considered for a total of 12 hours. The Committee anticipates that it will write its report in June.

The Standing Committee on Finance and Economic Affairs, chaired by **Ron Hansen**, considered Bill 164, *An Act to amend the*

*Insurance Act and certain other Acts in respect of Automobile Insurance and other Insurance Matters.* During the winter recess, the Committee held public hearings in Toronto, travelled to Thunder Bay, Windsor, Ottawa and Hamilton. In the 3rd session, the Committee, chaired by **Paul Johnson**, resumed clause-by-clause consideration of the Bill.

The Committee also commenced its Pre-Budget Consultations for 1993 during the winter recess. The Committee heard presenters from banks, consulting firms and forecasters from other expert organizations. The Minister of Finance and his staff, appeared before the Committee and provided economic projections for the province of Ontario for 1993/1994 fiscal year. The province's transfer recipients from the MUSH (municipalities, universities, community colleges, schools and hospitals) sector also provided input to the Committee.

Chaired by **Mike Brown**, the Standing Committee on General Government, conducted public hearings on Bill 61, *Toronto Islands Residential Community Stewardship Act, 1992*, during the winter recess. The Bill provided for the continuation of a residential community on Algonquin and Ward's Islands under the stewardship of the Toronto Islands Residential Community Trust Corporation. The Committee heard from residents of the Toronto Islands, business people, and interested citizens from the city of Toronto. Following the public hearings, the Committee conducted clause-by-clause consideration of the Bill and reported the Bill to the Legislature with certain amendments.

The mandate of the Standing Committee on Government Agencies sets out that the Committee is charged with the responsibility of

reviewing not only the agencies, boards and commissions but, also, the intended appointments thereto. To fulfil the responsibilities relating to the first part of its mandate the Committee, during the winter recess of the House, visited Science North and met with staff members. The Committee is currently considering its draft report on the matter.

The Committee also met with representatives from the Central Lake Ontario Conservation Authority and is in the process of preparing a report on its findings.

New appointments to agencies, boards and commissions are an ongoing process. The Committee sat two days of each month that the House did not sit, reviewing intended appointments and interviewing thirty-two applicants. All of the appointments were approved by the Committee.

The Standing Committee on the Ombudsman chaired by **Mark Morrow**, resumed consideration of its review of the Office of the Ombudsman during the 2nd Session in October and November, 1992. The Committee met during March, 1993 to finalize and write its special report on the Review of the Office of the Ombudsman. This special report was tabled in the Legislature on Wednesday, April 14, 1993.

The report made 43 recommendations; proposed major amendments to the *Ombudsman Act*, the mandate of the Standing Committee on the Ombudsman; and, new reporting systems for the Office of the Ombudsman.

The Standing Committee on Public Accounts held four weeks of hearings during the Winter recess. The Committee reviewed a number of areas from the Provincial Auditor's 1992 Annual Report. These reviews included sections on Family Benefits Assistance, Elevating Devices, and Health

Registry Systems. The Committee hopes to complete these reviews this summer. The Committee had also requested the Provincial Auditor to conduct special audits on the Office of the Registrar General, the Workers' Compensation Board and the Office of the Ombudsman. These special audits were also considered by the Committee.

When the House resumed in April, **Joe Cordiano** was elected Chair of the committee replacing **Remo Mancini** who retired. **Dianne Poole** was elected Vice-Chair. The Committee has been busy preparing for the conference of the Canadian Council of Public Accounts Committees to be held in Toronto this summer.

The Standing Committee on Resources Development held public hearings on Bill 96, *An Act to establish the Ontario Training and Development Board*. This Bill will consolidate training under one agency.

When the House resumed in April, the election of the Chair of the Committee proceeded with difficulty. The nomination of government member **Peter Kormos** for Chair caused a lengthy procedural debate including several attempts to raise points of order by members of the Committee which the Clerk could not entertain. When it became apparent that it would not be possible to elect a member as Chair, the Clerk dispersed the Committee. Before the next meeting of the Committee, the committee membership was changed by Order of the House and Mr. Kormos was no longer a member of the Committee. The election of **Bob Huget** proceeded smoothly.

The Committee has completed clause-by-clause consideration of Bill 96 and will present a report on bicycle helmets to the House in the near future.



The Standing Committee on Social Development, chaired by **Charles Beer**, held eight consecutive days of public hearings (including Saturday and Sunday) on Bill 94, *An Act to amend certain Acts to implement the interim reassessment plan of Metropolitan Toronto* on a property class by property class basis and to permit all municipalities to provide for the pass through to tenants of tax decreases resulting from reassessment and to make incidental amendments related to financing in The Municipality of Metropolitan Toronto. Fraught with controversy when debated over the years at the municipal level, the legislative proposals to implement market value assessment were equally contentious at legislative committee stage as some 175 witnesses presented their views. The Committee's consideration of the Bill was suspended after the Minister of Municipal Affairs announced in the House on Tuesday, 8 December 1992 that the government did not intend to proceed until the Metropolitan Toronto government had resolved certain problems.

During the winter recess, the Social Development Committee held four weeks of public hearings in seven Ontario cities on Bill 101, *An Act to amend certain Acts respecting Long Term Care*. Among its purposes, Bill 101 sought to amend various statutes with respect to the following matters: provincial subsidies for nursing homes, charitable homes for the aged and municipal homes; service agreements which operators of certain of these facilities must enter into with the Province; control of admissions by designated placement co-ordinators; quality assurance plans; plans of care for residents; inspections of facilities; and grants to assist person with a disability to obtain required goods and services. Following three days of clause-by-clause considera-

tion in late March, the Chair reported the Bill to the House on Wednesday, 14 April 1993.

In June, the Social Development Committee prepared for public hearings on Bill 4, *An Act to amend certain Acts relating to Education*. Included in the Bill are amendments proposed to: make junior kindergarten mandatory by September, 1994 (with a phase-in period allowed in some circumstances); authorize the use of American Sign language and la langue des signes québécois as languages of instruction for deaf and hard-of-hearing students; allow payment of education costs for students receiving approved medical treatment out of the country; revise provisions relating to special education; and clarify requirements relating to disciplinary measures (suspension and expulsion).

Donna Pajeska  
Committee Clerk.

Manitoba



**T**he Fourth Session of the 35th Legislature resumed on March 1, 1993. The Minister of Finance, **Clayton Manness**, had intended to bring down his budget on March 18, 1993. However, due to significant revenue reductions made known to him by the Federal Government at a late date in the budget process, the completion of the main estimates was delayed, deferring the budget presentation until April 6, 1993.

The Minister of Finance had hoped to begin early consideration of certain departments' estimates

which had been completed. To accomplish this, the Government proposed a motion to the House, that, notwithstanding the rules and practices of the House, the estimates of the Departments of Highways and Transportation and of Family Services be tabled and referred to the Committee of Supply prior to the referral of all main estimates. On the day this motion was to be moved **Kevin Lamoureux**, Liberal House Leader, rose on a Matter of Privilege claiming that to enter into consideration of specific departments' estimates before all departmental estimates were available was unparliamentary as it prevented members from acting responsibly as legislators. After hearing from other Members, the Speaker recessed the House and returned within the hour, ruling that there was no *prima facie* case and that the matter was one of order not privilege. Mr. Lamoureux challenged the ruling and it was sustained on a recorded vote. The matter, however, did not rest.

At the next sitting, when the government's motion was put to the House, Mr. Lamoureux rose on a point of order stating that this proposed change in the estimates process would be a "dangerous precedent". The Speaker ruled against the point of order pointing out that many precedents exist for amending or suspending the Rules of the House by motion on notice, as in this case. The Liberals challenged this ruling and it was sustained on a recorded vote.

At the next sitting, the Liberals raised the issue again as a Matter of Urgent Public Importance. After receiving advice from the House, the Speaker ruled that it did not meet the criteria for a matter of urgent public importance as the House had other opportunities to debate the matter. The Liberals

challenged this ruling and it was upheld on a recorded vote.

In the meantime, in an attempt to find a way to begin the estimates process, Mr. Manness, in accordance with Manitoba's rules, tabled the sequence for consideration of estimates by the Committee of Supply. He then moved the motion to establish the Committee of Supply. The Liberals spoke to this motion with each of the caucus members using their full forty minutes and the Leader, Mrs. Carstairs, speaking for unlimited time. Mrs. Carstairs spoke for five days and on the fifth day concluded her speech in order that the House could proceed with Interim Supply. The Interim Appropriation bill was passed on March 26, 1993 and the House recessed for the following week for Spring Break.

The 1993-94 budget was brought down on April 6, 1993. The budget debate continued for the full eight days that the Rules of the House allow. An amendment, moved by the Official Opposition, and a sub-amendment, move by the Second Opposition, were both defeated and the budget motion passed on division. The consideration of the detailed estimates in Committee of Supply began on the next sitting day.

### Legislation

By May 21, 1993, the Government had introduced a total of 35 bills. It had indicated early on in the Session that it planned a somewhat smaller legislative agenda than usual. In approximately the same time period last Session, the Government had introduced 44 bills.

Several of the current bills are potentially controversial and House and Committee consideration may

require above average time. Among these are *The Public Schools Amendment Act* (Bill 16), *The Public Sector Reduced Work Week and Compensation Amendment Act* (Bill 22), *The Retail Businesses Holiday Closing Amendment Employment Standards Amendment, Payment of Wages Amendment Act* (Bill 23), *The Public Schools Amendment (Francophone Schools Governance) Act* (Bill 34), and *The Manitoba Public Insurance Corporation Amendment and Consequential Amendments Act* (Bill 37).

The thrust of Bill 16 is to limit the school tax levy to two per cent. This cap is in keeping with the Government's overall policy of fiscal restraint which is being applied to all areas of government.

Bill 22 will implement the Government's decision to bring in a short work week for Manitoba civil servants during the summer and at Christmas. The legislation applies to two twelve month periods with the first beginning April 1, 1993. Public sector employers will require employees to take days or portions of days off without pay, not exceeding a total of fifteen days in one 12 month period.

Bill 23 will allow for Sunday Shopping in Manitoba, on a permanent basis. Bill 4, introduced earlier in the Session, had provided for a trial period of Sunday Shopping. Bill 23 extends this trial period until September and from that time on will allow municipalities to determine whether or not they will have permanent Sunday shopping in their communities.

Bill 34 is legislation that responds to a 1990 decision of the Supreme Court which interpreted Section 23 of the Canadian Charter of Rights

and Freedoms as granting English-Speaking minorities in Quebec and French-Speaking minorities elsewhere in Canada, the right to govern their own schools where numbers warrant. The bill creates a Francophone school division that will include all areas of the province where there are significant concentrations of persons entitled under the charter to have their children receive primary and secondary school instruction in French.

Bill 37 introduced a no-fault injury compensation plan for Manitobans involved in automobile accidents. The thrust of this legislation is to provide fair compensation for accident victims and at the same time stabilize insurance rates over the long run. Provisions of the Bill will replace the right to sue with guaranteed compensation for all accident victims based on their actual economic losses.

### Members' Matters

The Legislature may yet see another member move into the federal political arena with the announcement by Justice Minister, Jim McCrae (Brandon-West) that he will seek the nomination for Brandon-Souris, formerly held by Tory MP Lee Clark. The most recent change to the membership of the Legislature was the resignation of Conservative MLA Harold Neufeld (Rossmere). That now leaves two vacant seats, the other a result of NDP MLA Elijah Harper's resignation in November 1992.

Judy White  
Clerk of Committees