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# Legislative Reports

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## Manitoba

The Fifth Session of the 35th Legislature came to a conclusion on July 5, 1994. After all of the expectation of a difficult and precedent-setting session because of the "tied House" status, the session turned out to be less eventful than expected. That is not to say, however, that the session was void of some interesting events and procedural matters.

### Session

The House sat for a total of 61 days. The legislative agenda was less than the norm, with a total of 37 bills passed (33 Government Bills, 1 Private Members' Public Bill and 3 Private Bills). As well as being a light agenda, the legislation raised little controversy, generating a total of 14 presentors to bills at the committee stage. The total number of Standing Committee meetings was 17, with the majority of them meeting to consider Annual Reports of various provincial Crown Corporations, as required by legislation.

### Committee of Supply

One of the main focuses of the session was Committee of Supply in which the Government's main budgetary estimates for the new fiscal year are considered and must be passed and concurred in. The numbers in Committee of the Whole were such that the Opposition had a majority of one (28 to 27) as the Speaker does not sit in Committee of the Whole and the Chairperson of the Committee was a Government Member. If all Members were present, the Opposition could have defeated any estimate item if they had so wished. As well, they could have defeated the concurrence motion in all the supply resolutions at the conclusion of the Committee's 240 hour consideration of the estimates.

In the end, there were no major situations which obstructed the Committee of Supply process. There were, however, two different votes which the Government lost, one of them on a motion of censure of the Minister of Education and the other on a Supply Resolution containing the salary of the Minister of Justice and her senior staff.

One of the more controversial departments this past session was the Department of Education because of cuts made to a post-secondary education program that targeted disadvantaged students. The Minister of Education, who was the former Minister of Finance, **Clayton Manness**, came under regular criticism from the Official Opposition in the House and in Committee of Supply over this issue. During consideration of the Department of

Education's estimates, the NDP Education Critic, **Jean Friesen**, moved a motion of censure against the Minister for not protecting the interests of disadvantaged students. The motion went to a counted vote in Committee and was carried by one vote. Such motions are not unusual in Committee of Supply in Manitoba, but their passage is. There was some embarrassment for the Minister and the Government, but there were no fatal consequences.

Towards the end of the 240 hours allotted to consider the estimates, the NDP Justice critic, **Gordon Mackintosh**, moved a motion to reduce the salary of the Minister of Justice. This motion was debated until the expiry of the 240 hour limit. At that time debate ceased and votes were conducted on all supply resolutions not yet disposed of. Having been obstructed from voting on the Minister's salary alone, the Opposition voted against the Supply resolution containing the Minister's salary and defeated it on a counted vote. Despite this unprecedented action and consequent embarrassment for another Minister and the Government, it was not a fatal blow. The resolution was reinstated in the House by motion on notice.

### Privilege

There were two matters of privilege raised during the recent session that were of significance. The first dealt with reflection on the Speaker and the second with the alleged use of offensive language by a Member in reference to another Member.

About a month into the session, the Official Opposition House Leader, **Steve Ashton**, rose on a matter of privilege relating to words spoken by the Premier in a television interview. Mr. Ashton tabled a transcript in which the Premier was quoted as saying: "When the votes are taken, we have 29, they have 28. You'll continue to see this happen and I don't see it as being a lot different from other years." Mr. Ashton claimed in his remarks that, by these words, the Premier did not see the Speaker as an independent presiding officer of the House, but rather as a member of the Government caucus subject to the Government whip.

In speaking to the matter of privilege raised, the Premier stated that he was in no way questioning or that he would ever question the impartiality of the Speaker. Obviously a difficult situation to be in, Speaker **Denis Rocan** expressed grave concern over the matter as it reflected upon him and he took the matter under advisement. After consideration, the Speaker ruled that there was no matter of privilege. He first explained that the case was dealing with two different perceptions of the same words and in the end Speaker Rocan determined that the words in question did not directly imply partiality of the Chair. In conclusion, Speaker Rocan noted that the media and some Members of the House had been recently making comments alluding to the fact that the Government had a majority in the House. The Speaker clarified that the Government did not have a majority and that there were 28 Government Members, 28 Opposition Members and one Speaker.

The second significant matter of privilege was related to an occurrence in a section of the Committee of Supply, which subsequently went through a number of procedural stages. Firstly, **Marianne Cer-**

**illi** rose, in the House, on a matter of privilege concerning comments which she alleged were made to her in Committee of Supply by the Minister of Energy and Mines, **Don Orchard**. The offending words she alleged were used were "you need a slap" and "you need to go to the woodshed". After taking the matter under advisement, the Speaker came back ruling that the matter was out of order as one of privilege based on the fact that it happened in Committee and the Speaker cannot deal with incidents in Committee unless the Committee itself reports the matter to him. The Speaker then advised Ms. Cerilli that the procedurally correct process would be for her to raise the matter in the Committee and the Committee would then decide whether or not they would report it to the House.

The second stage followed after this ruling with the Minister of Energy and Mines rising, on leave, and making a statement regarding the matter of privilege raised by Ms. Cerilli, and in his statement alleged that Ms. Cerilli raised the matter of privilege essentially with the intent of gaining media attention. Ms. Cerilli then rose on a point of order stating that the Minister of Energy and Mines imputed motives with respect to the matter of privilege she had raised. Mr. Speaker took the point of order under advisement.

The third stage followed with Ms. Cerilli raising a matter of privilege, at the next sitting of Committee of Supply, respecting the original issue she raised in the House. After considerable heated debate in Committee, it was agreed, on a counted vote, to report the matter to the House. Upon report by the Chairperson, to the Speaker the following day, Speaker Rocan again took the matter under advisement.

Before ruling on the matter of privilege, the Speaker first ruled on the point of order concluding that

the Minister had imputed motives to Ms. Cerilli and asked the Minister to withdraw the imputation. Following this, the Speaker ruled on the matter of privilege reported from the Committee of Supply, stating that there was no *prima facie* case. First, stating that the definition of privilege is very narrow, Speaker Rocan ruled that unparliamentary language is to be raised as a point of order and not as a matter of privilege. Second, the words in question were not recorded in Hansard and did not appear on the recording system tapes. Finally, the Speaker did remind all Members that identical words may mean different things to different people and that Members should keep this in mind in choosing the words they use.

### Resignations

After 13 years as a Member of the Legislative Assembly, **Jerry Storie**, will leave the Assembly to be a Superintendent with Frontier School Division #48. During his legislative career he had held the position as Deputy Speaker as well as a number of Cabinet portfolios, including Minister of Housing, Minister of Northern Affairs, Minister of Business Development and Tourism, Minister of Education and Minister of Energy and Mines.

**Gerry Ducharme** has announced, after eight years as a Member, that he will not be seeking re-election. Mr. Ducharme began his political career as a school trustee after which he sat on Winnipeg City Council for 6 years. During his provincial legislative career, Mr. Ducharme was the Minister of Urban Affairs, Minister of Housing and currently Minister of Government Services and Minister Responsible for Seniors.

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

## House of Commons



On June 23, 1994, the House adjourned for the summer season. The weeks preceding that adjournment were busy ones, and the passage of legislation dominated most of the House's work. For example, some bills granted a form of self-government to certain aboriginal communities in the Yukon. The government also proposed a series of measures concerning ethics, including appointment of an ethics advisor and a tightening of the *Lobbyists Registration Act*. It also intends to clarify and strengthen the Conflict of Interest Code for public office holders. Lastly, it plans to establish a code of conduct for MPs and Senators. Other events were also of interest.

### Speaker's Rulings

Question Period often gives rise to very lively exchanges. The Speaker is often called upon to make rulings on remarks by MPs. Rarely, however, must the Speaker rule on whether a quotation from Shakespeare is in order. Such was nonetheless the case on April 28, 1994 when, in response to a question from an MP, Minister of Industry **John Manley** quoted this famous writer, remarking that the question called to mind "a tale told by an idiot, full of sound and fury, signifying nothing". While noting that he could not criticize anyone for quoting great writers, particularly

Shakespeare, the Speaker asked the Minister to withdraw his remarks, which were deemed unparliamentary.

With its nine elected representatives, the New Democratic Party asked the Speaker for official recognition as a party in the House of Commons. **Bill Blaikie**, who raised the issue, pointed out that this recognition is important for political parties and that the advantages it confers are considerable. In particular, recognition can give a party greater visibility during Question Period and allow its MPs to sit as a group in the House. In his June 16, 1994 ruling, the Speaker decided that any interpretation of the term "party" for the purposes of the Standing Orders would have to be made by the House itself. He nevertheless allowed this group of MPs to sit together and be identified as the New Democratic Party on the House's seating plan. (For complete text of this ruling see elsewhere in this issue).

A recently adopted Standing Order set up a system of lists of associate members for the various Standing Committees. These lists are like a pool of alternates for regular Committee members. The Standing Orders specify that alternates for regular Committee members must be chosen from these lists. However, **Audrey McLaughlin** was an alternate at a regular meeting of a Committee although her name was not on these lists. Thus, her vote was recorded in votes taken during consideration of amendments to a piece of legislation. Asked to make a decision on this issue, the Speaker ruled that Standing Orders had been breached since this MP did not have the right to participate in any of the votes. Although Ms McLaughlin's votes were cancelled, the outcome of the all these votes was unchanged.

### Time allocation

The House used a particular Standing Order for the first time on June 21, 1994. This procedure allows the government to propose that a specific time period be allocated to a given stage in the passage of a bill, provided that a majority of the various parties agree. This provision was invoked four times during this session, for four separate bills. Usually, time allocation for a stage in the passage of a bill is obtained with the support of the government alone or that of all parties represented in the House.

### Private Members' Business

Several motions and bills proposed by MPs were adopted by the House. Firstly, a motion by **Beryl Gaffney** that the government no longer consider support payments as income taxable in the hands of the recipient was adopted.

**Rey Pagtakhan** had a motion adopted: that the government ensure that food and drink labels bear an expiry date or "best before" date.

Another motion adopted by MPs was that the government adopt a rule that the defeat of a government measure, even a money bill, would not automatically result in the defeat of the government. This motion, proposed by **Daphne Jennings**, specified that only the adoption of a non-confidence vote would result in the defeat of the government.

Lastly, the House passed a bill sponsored by **Jean-Robert Gauthier** that now allows the Auditor General to report to Parliament up to four times per year. MPs hope that, in this way, problems noted by the Auditor General can be solved more quickly.

## Standing Committee on Procedure and House Affairs

In its 27th Report, the Standing Committee on Procedure and House Affairs recommended amendments to the Standing Orders. The main purpose of these amendments is to correct anomalies and technical inconsistencies that have crept in over the years. For example, the provisions concerning the expulsion of strangers and the requirement that one not wear a hat while speaking were amended. The House adopted this Report on June 10, 1994.

## Legislative Measures

The following bills received Royal Assent:

- C-2, *An Act to amend the Department of National Revenue Act and to amend certain other Acts in consequence thereof;*
- C-4, *An Act to amend the Crown Liability and Proceedings Act;*
- C-6, *An Act to amend the Canada Oil and Gas Operations Act, the Canada Petroleum Resources Act and the National Energy Board Act and to make consequential amendments to other Acts;*
- C-8, *An Act to amend the Criminal Code and the Coastal Fisheries Protection Act (force);*
- C-9, *An Act to amend the Income Tax Act;*
- C-12, *An Act to amend the Canada Business Corporations Act and to make consequential amendments to other Acts;*
- C-13, *An Act to amend the Excise Tax Act and a related Act;*
- C-15, *An Act to revise certain income tax law amendments in terms of the revised Income Tax Act and Income Tax Application Rules;*
- C-16, *An Act to approve, give effect to and declare valid an agreement between Her Majesty the Queen in right of Canada and the Dene of Colville Lake, Deline, Fort Good Hope and Fort Norman and the Metis of Fort Good Hope, Fort Norman and Norman Wells, as represented*

*by the Sahtu Tribal Council, and to make related amendments to another Act;*

- C-17, *An act to amend certain statutes to implement certain provisions of the budget tabled in Parliament on February 22, 1994;*
- C-18, *An act to suspend the operation of the Electoral Boundaries Readjustment Act;*
- C-21, *An Act to amend the Railway Safety Act;*
- C-23, *An Act to implement a Convention for the protection of migratory birds in Canada and the United States;*
- C-24, *An Act to amend the Canada Wildlife Act and to make a consequential amendment to another Act;*
- C-26, *An act to amend the National Library Act;*
- C-27, *An act to amend the Income Tax Act, the Income Tax Application Rules, the Canada Pension Plan, the Canada Business Corporations Act, the Excise Tax Act, the Unemployment Insurance Act and certain related acts;*
- C-28, *An Act respecting the making of loans and the provision of other forms of financial assistance to students, to amend and provide for the repeal of the Canada Student Loans Act, and to amend one other Act in consequence thereof;*
- C-29, *An Act to amend the Coastal Fisheries Protection Act;*
- C-30, *An Act to amend the Department of Labour Act;*
- C-31, *An Act to amend the Canadian Film Development Corporation Act;*
- C-32, *An Act to amend the Excise Tax Act, the Excise Act and the Income Tax Act;*
- C-33, *An Act to approve, give effect to and declare valid land claims agreements entered into between Her Majesty the Queen in right of Canada, the Government of the Yukon Territory and certain first nations in the Yukon Territory, to provide for approving, giving effect to and declaring valid other land claims agreements entered into after this Act comes into force, and to make consequential amendments to other Acts;*

- C-34, *An Act respecting self-government for first nations in the Yukon Territory;*
- C-35, *An Act to establish the Department of Citizenship and Immigration and to make consequential amendments to other Acts;*
- C-40, *An Act to correct certain anomalies, inconsistencies and errors in the Statutes of Canada, to deal with other matters of a non-controversial and uncomplicated nature in those Statutes and to repeal certain provisions of those Statutes that have expired, lapsed or otherwise ceased to have effect;*
- C-207, *An Act to amend the Auditor General Act (reports);*
- C-212, *An Act to recognize hockey and la crosse as the national sports of Canada;*
- S-2, *An act to implement a convention between Canada and the Republic of Hungary, an agreement between Canada and the Federal Republic of Nigeria, an agreement between Canada and the Republic of Zimbabwe, a convention between Canada and the Argentine Republic and a protocol between Canada and the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to income taxes and to make related amendments to other acts;*
- S-3, *An Act to authorize General Security Insurance Company of Canada to be continued as a corporation under the laws of the Province of Quebec and*
- S-5, *An act to incorporate the Canadian Association of Lutheran Congregations.*

The MPs will return to the House on September 19. Major Committee Reports are to be tabled in the fall or early winter. They will fuel ongoing debates on the reform of social programs, Canada's foreign policy, and Canada's defence policy. This work will continue in addition to the consideration of several legislative measures planned for the upcoming session.

**André Gagnon**  
Procedural Clerk  
Table Research Branch

## SENATE



There was considerable business before the Senate during the first months of the new Parliament. The Senate reviewed and debated numerous bills and motions in the weeks preceding the summer adjournment. Between May 1 and July 7, there were four different Royal Assents and almost thirty bills were enacted. Many of these bills were of a house-keeping nature that sparked little controversy. Among these bills were amendments to the Revenue, Income Tax and Excise Acts. Other bills implemented changes to Acts on Canada Student Loans, the National Library, Railway Safety, Canada Wildlife and Migratory Birds.

A bill that received urgent attention was C-29, the *Coastal Fisheries Protection Act*; it passed through all stages in one day. The bill authorizes the Canadian government to seize any fishing vessel beyond the two-hundred mile limit if they are caught plundering near-depleted fish stocks. Other bills that received prompt consideration by the Senate dealt with native issues. Bill C-16 validated treaty agreements with some Dene and Metis groups in the Northwest Territories and Bills C-33 and C-34 concerned land agreements and self-government for natives in the Yukon Territory. All three bills were dispatched through the Senate in a matter of days.

Not all the bills that received Royal Assent during this period were without controversy. In fact,

with Bill C-18, an Act to suspend the operation of the *Electoral Boundaries Act*, the Senate exercised its right to amend substantially legislation that had already been passed by the House of Commons. The purpose of the bill, as explained by Senator **Derek Lewis** during second reading debate on was to disband the electoral boundaries commissions in order to review the current process of adjusting constituencies which had been in place since 1964. Speaking against the bill, Senator **Lowell Murray** claimed that the bill had another result - the very real prospect that the next general election would be contested based on census data collected originally in 1981 rather than the census data of 1991.

The committee hearings on the bill helped to consolidate criticism against the bill. In its report the committee proposed that the bill be amended to suspend the commissions for a period of eight months rather than abolish them. Also, the amendments would revive the commissions if Parliament did not implement alternative legislation by February 1995. According to the Opposition, this would guarantee that the commissions could complete their work in time for the next general election.

While the bill was still being debated in the Senate, the Government proposed a compromise to suspend the commissions for thirteen months and to guarantee that the next election would take place with the new 1991 census boundaries. The Opposition, however, refused to give way on its amendments and, with its majority, the bill passed the Senate with the eight month suspension on a recorded division May 25. The Government in the House of Commons decided to accept the changes made by the Senate except that it extended the suspension several months to June 1995. The Senate

accepted this change and the bill was enacted as amended.

Bill C-18 was amended at the insistence of the Opposition. Currently, the Opposition Progressive Conservatives have fifty-six members, while the Government Liberals have forty-one. There are three independents and four vacancies. The Opposition is likely to hold its position through the mandate of the current Government. Aware of its unusual position, particularly as it compares with the situation in the House of Commons, the Senate Opposition Leader has indicated that it would not use its majority to obstruct government business.

The limits of this commitment may have been reached with respect to amendments made to another Bill, C-22 dealing with the Pearson Airport contractors. The bill as passed by the House of Commons cancels the contracts negotiated between the previous Government and a business consortium for the upgrading and administration of Pearson International Airport. In addition, the bill exempts the Government from any liability as a result of the contract cancellation and, instead, mandates the Minister of Transport to negotiate a settlement with the contractors.

In staking its position, the Government made it clear that this bill had been promised during the last election campaign and it intended to keep the promise. The Opposition, admitting that the Government has the right to cancel the contracts, argued that it did not have the authority to extinguish the right of the contractors to seek compensation for lost profits through the courts. Using their majority on the Legal and Constitutional Affairs Committee, the Opposition amended the bill to fix the date of the cancellation of the contracts to April 13, 1994, the day the bill was introduced in the House of Com-



mons, and to strike from the bill the clause that freed the government from any liability.

While Government Senators decried the actions of the Opposition, they did not have the numbers to defeat the amendments. They were subsequently adopted by the Senate and the bill passed in the amended version on the day the Senate adjourned for the summer on July 7. A message communicating the actions of the Senate respecting Bill C-22 will be read in the House of Commons when it resumes its sittings in mid-September.

### Committee Business

While the Senate was drawing media attention because of the controversy surrounding Bills C-18 and C-22, the work of its committees continued. By and large, most of the reports presented by the standing committees during this period dealt with legislation. The majority of them did not propose any amendments to the bills. As the chamber of "sober second thought", the Senate is expected to review legislation promptly and to propose changes only when necessary to improve its details. As a consequence, committees are often rushed through their deliberations. Usually, this does not cause any serious difficulty, but the Aboriginal Peoples Committee recently gave notice that it did not always appreciate the process.

On June 23, the Committee was charged with the examination of Bills C-33 and C-34 dealing with native land claims and self-government in the Yukon. The Committee had originally believed that it was necessary to push these bills through quickly and to secure their passage before the summer adjournment. Only during the course of its work did it learn that these two bills would not be proclaimed until a third bill, on Yukon surface rights

that had yet to be introduced into Parliament, had also been enacted. As a consequence, the Committee attached to its report of July 6 a series of recommendations urging the Government and the Kaska Nation to pursue negotiations over the next few months and suggesting that it would monitor these negotiations and that it would seek to have the third bill referred to it.

During the period under review one report was completed on a special study - the Transportation and Communications Committee presented a report on June 21 on the current status of Radio Canada International. The Committee enumerated six basic recommendations urging the CBC to review the mandate for its international broadcast service in consultation the Department of Foreign Affairs specially with respect to broadcasting to such countries as Japan, Germany and China. The Committee also proposed that funding be restored to the service to 1990 levels and that future funding be provided on a basis of a five-year agreement with the Department of Foreign Affairs and the CBC.

The Special Committee on Euthanasia and Assisted Suicide continued its work. As part of its effort to inform the interested public, the Committee produces a regular Bulletin which provides biographical notes on committee members, explains the mandate of the committee, summarizes some of the evidence heard from expert witnesses and notes some of the correspondence received from the general public.

### Retirements and Resignations

Two Senators retired from the Red Chamber this Spring. Senator **Solange Chaput-Rolland** who reached the mandatory age of retirement in mid-May had been a mem-

ber of the Senate from 1988. A month later, Senator **Daniel Lang** also retired after having served for more than thirty years. On June 22, Senator **Heath Macquarrie** announced that he would be resigning before the Senate returned from its summer adjournment at the end of September. During the same week, another Senator, **Mario Beaulieu**, resigned following the government's decision to award his construction company, Simard-Beaudry, a substantial public works contract.

On June 21, the Government Leader and several others Senators joined in offering tribute to the distinguished service of former Senator **Frederick Rowe** of Newfoundland who had died the day before in St. John's at the age of 81.

**Charles Robert**  
Committees Branch



### British Columbia

The third session of British Columbia's 35th Parliament adjourned on July 8 after eighty sitting days. Though abbreviated by ten days and twenty-three bills compared to last year, this session did include five weeks of night sittings, some of which lasted until four o'clock in the morning. By the end, all of the government's 57 bills had

been passed, along with one private bill, making the session both interesting and productive.

### Legislation

Dominating the government's legislative agenda were three major initiatives addressing forestry and land use issues in the province, introduced by Forests Minister **Andrew Petter**. The *Forest Practices Code Act* provides an overall framework for a multi-faceted set of laws, standards and regulations which will govern future harvesting of timber. The standards to be enforced include limiting the size and location of clearcutting; requiring forest companies to conduct a soil assessment before cutting and to submit detailed silviculture and range use plans; and ordering that visual quality objectives be met. These standards will apply to all Crown- and privately-managed forest lands, as set out in the *Forest Land Reserve Act*. This Act, which will work in conjunction with regional land use plans generated by the Commission on Resources and the Environment, is intended to protect the commercial forest land base by setting it aside in a manner similar to the Agricultural Land Reserve. The Act also creates an independent Forest Land Commission to adjudicate requests by private owners for removal of land from the reserve. The *Forest Renewal Act* requires that approximately \$400 million of new revenue generated annually by increased stumpage rates be dedicated to direct investment in the forest sector, primarily in improved reforestation and silviculture. The new funds will also be used to assist companies who produce value-added wood products with start-up costs and market development.

The *Environmental Assessment Act* establishes a single environmental assessment process for review of

major energy projects, mine developments and industrial projects, in place of the several different processes currently in place. Regulations under the Act extend its applicability to major transportation, tourism, aquaculture, food processing, water and waste projects, as well as to other controversial activities. Project proponents, the public, federal and local governments and first nations all will have the opportunity for input into the review. The bill was initially introduced last session but withdrawn for further consultation.

Attorney General **Colin Gabelmann** introduced the *Recall and Initiative Act*. As expected, the provisions of the Act are based upon the recommendations of the report of the Select Standing Committee on Parliamentary Reform. The Act prescribes processes for citizens who wish to recall their MLA or submit a proposal for legislation to a referendum. In the case of an initiative petition, organizers have 90 days to obtain signatures from at least 10% of the total number of voters in each constituency in the province; they must also submit a draft bill. This process is monitored by the chief electoral officer. If successful, a select standing committee of the legislature must, within 120 days, table a report recommending either that the bill proceed directly to the House for debate or be referred to the chief electoral officer, who in turn will monitor a province-wide initiative vote. A successful vote requires a double majority; more than 50% of the total number of voters in the province and more than 50% of voters in at least 2/3 of British Columbia constituencies. If this is achieved the government must then introduce the bill to the legislature at the earliest opportunity.

The Act provides that members can be recalled on any grounds, but

will be exempt from recall petitions for 18 months following their election to the House, and may not face more than one recall election per term. A recall petition, to be successful, requires a statement by the organizers indicating why the member should be recalled, and must include the signatures of at least 40% of a member's constituents. If this is achieved the seat of the member becomes vacant and a byelection is held. The chief electoral officer is responsible for approving the petition and conducting the byelection.

This long-awaited bill prompted heated debate, as opposition members described the threshold for public support for both recall and initiative petitions as too high and the requirements in general as onerous. In response, the government argued that neither removing a duly elected member from office nor initiating legislation should be easy, and that lax requirements invite abuse for partisan reasons and unnecessary public expense.

Social Services Minister **Joy MacPhail** introduced two acts to provide for better protection for children and youth in the province. The *Child, Family and Community Service Act* is a thorough overhaul of previous legislation, which emphasized apprehension and removal of children from troubled families. The new Act, drafted after extensive public consultation, sets out principles for child protection, which include that children are entitled to be protected from abuse and neglect; that families remain the preferred environment for the care of children; that a child's views should be considered when decisions about his or her care are made; that the cultural identity of aboriginal children should be preserved; and that support services should be provided to families in need. The Act also specifies the rights of children

under the care of the ministry, and establishes a Child and Family Review Board to review and remedy complaints regarding breaches of these rights.

In addition, the *Child, Youth and Family Advocacy Act* was passed. This Act establishes the office of an independent advocate to promote and protect the needs of children and families who receive certain specified services from the government. The Advocate will be an officer of the Legislative Assembly and serve a six-year term. A special committee of the House is charged with recommending a person for the position. The advocate will have the power to investigate and review cases upon receipt of a complaint; and may initiate administrative reviews of designated services. In addition, he or she may make recommendations about legislation, policies and practices of the government respecting children and families; and as well as enter into agreements with ministries, agencies and community organizations to ensure the provision of advocacy services in communities. The advocate cannot act as legal counsel, nor can he or she issue binding orders to government.

### House Business

More changes in party standings occurred during the session. Social Credit **Lyall Hanson** joined the Reform Party caucus, bringing its number to four and therefore earning it official party status. The Social Credit caucus is now reduced to two members. Official party standings at the close of the session were NDP 51, Liberal 15, Reform 4, Social Credit 2, Progressive Democratic Alliance 2, and Independent 1.

### Procedural Matters

On June 17 Speaker **Emery Barnes** made a statement regarding the is-

sue of Parliamentary Secretaries posing oral questions to ministers. He noted that the position of Parliamentary Secretary is a relatively new one in British Columbia, and that its status in regard to question period had not been addressed by previous Speakers of the House. Though in other jurisdictions Parliamentary Secretaries are not permitted to ask questions of their own ministers, the practice has occurred on a number of occasions in the past in British Columbia without adverse comment. Accordingly, the Speaker ruled that the practice of the House in this regard had been established and deserved formal recognition.

### Committees

Pursuant to the *Child, Youth and Family Advocacy Act* a special committee of the House has been struck to unanimously recommend a person to become the province's first advocate for children, youth and families. Chaired by **Jim Beattie**, the Committee will receive applications and conduct interviews in a manner similar to other committees charged with appointing officers of the House.

### Other Events

On June 7 Government Services minister **Robin Blencoe** announced in the House that South Africa would be sending a team to the XV Commonwealth Games, to be held in Victoria in August. This marks the first major international sporting event to which South Africa will be sending a team since the dismantling of apartheid and the lifting of economic and cultural sanctions by the international community. During the Games the legislature and Inner Harbour area of Victoria will be the focal point for a series of concerts, displays and events celebrating the artistic and cultural diversity

of the Commonwealth countries. Tourist visits to the legislature buildings are expected to increase dramatically, prompting extra security arrangements to handle the increased crowds.

**Neil Reimer**  
Assistant Committee Clerk



The third session of the thirty-fourth Legislature, which started on March 17, 1994, ended on June 17, when the session was prorogued by the Lieutenant-Governor, His Excellency **Martial Asselin**.

The Assembly held forty sittings, during which 62 bills were adopted, including forty-four public and eighteen private bills. Most public bills were of a technical nature, arising from the administrative reorganization that followed the appointment of a new cabinet at the beginning of the year.

Although brief, this parliamentary session saw a number of motions of non-confidence. The opposition presented two non-confidence motions during the debate on the opening speech and four during the budget debate, in addition to the six motions allowed under the Standing Orders.

The economy and employment were the two main topics of debate in the National Assembly this



spring. The budget brought down by Minister of Finance **André Bourbeau** on May 12 set the tone. Budget provisions included:

- a cut in personal income tax totalling one-half billion dollars in 1994-95;
- setting Quebec sales tax (QST) at 6.5 per cent across the board;
- additional support for families, starting with the second dependant child, and also support for providing accommodation at home for the elderly;
- incentives for businesses to provide professional and practical training; stepping up the fight against tax evasion in the illegal trade in alcoholic beverages and measures to collect sales tax on second-hand goods;
- a 30 per cent cut in operating expenditures and an additional 2 per cent cut in the staff of government departments and agencies;
- lower increases in transfer payments for education, health care and social services and accelerated privatization of government corporations.

For 1994-95, the Government of Quebec expects revenues and expenditures to total, respectively, \$37.30 billion and \$41.72 billion, which means a deficit of \$4.42 billion.

Question Period reflected the parliamentarians' interest in these matters. There was a volley of questions to ministers on the impact of budget cutbacks in various areas where the government intervenes, including legal aid and hospital services. The shortage of medical specialists in the regions, lay-offs in the Public Service, the agreement on free trade between the provinces, financial assistance to students and university research, the sale of the Mont-Sainte-Anne ski resort, the electronic highway project, Hydro-Québec's capital investment plan, the federal government's decision to close the Collège militaire de Saint-Jean, the government's regional development policies and, of

course, the upcoming general election were the subject of frequent and numerous exchanges.

On May 26, Speaker **Jean-Pierre Saintonge** handed down a ruling on a request that Parliament intervene in the case of privilege raised by **Jean Garon**, MNA for Lévis. Mr. Garon argued that directors of the Société de l'assurance automobile du Québec (SAAQ) had been in contempt of the Assembly when they acquired goods and services for a total value of several million dollars, to be used to apply certain amendments to the Highway Safety Code, although the bill had not yet been passed by the Assembly.

The Speaker ruled that this did not constitute contempt of Parliament on the following grounds:

"It is not up to the Chair to determine whether the SAAQ has the legal authority to make the expenditures mentioned by the member for Lévis in his notice. To interpret legislation, with the exception of legislation that contains provisions affecting parliamentary procedure, is a matter for the courts, not for the Speaker of the National Assembly."

He went on to explain that the Chair had no control over the commitment of public funds by government departments or agencies and that the facts mentioned by the member for Lévis had no impact on the process by which this legislation would be adopted by parliamentarians, who could still decide to amend the legislation or not adopt it at all. Subsequently, the bill died on the Order Paper when the Assembly was prorogued.

In May, the Assembly adopted unanimously a new English version of its Standing Orders, and on June 14, it moved a motion to mark the thirtieth anniversary of *Hansard*.

On May 31, 1994, Mrs. **Reine Gagné-Johnson** passed away. Mrs. Johnson will have a special place in

Quebec's history as the wife of a former premier, the late **Daniel Johnson**, and the mother of present Premier **Daniel Johnson** and **Pierre-Marc Johnson**, another former premier.

The Speaker of the National Assembly, Mr. **Jean-Pierre Saintonge**, chaired the twentieth annual session of the Assemblée internationale des parlementaires de langue française, held in Paris from July 11 to July 13, 1994. During this session, parliamentarians concentrated on the following topics: the use of French in international organizations; the production and dissemination of Francophone culture; international co-operation; the economy and monetary situation of developing countries and the consequences of the GATT agreement; women as agents of sustainable development; and observing elections.

Finally, on July 24, Premier Johnson announced there would be a general election on September 12, 1994.

**Jean Bédard and Nancy Ford**  
National Assembly Secretariat

### **Committee Work**

May and June were not as busy as previous years. Most of the last quarter was spent on detailed consideration of various bills.

In addition, there were question-and-answer sessions during which opposition members had an opportunity to ask ministers about matters within their respective jurisdictions.

The session on the future of telecommunications in Quebec held by the Commission on culture was particularly interesting. We recall the recent judgment by the Supreme Court of Canada in the *Téléphone Guévremont* case. The decision, which confirmed the federal gov-

ernment's jurisdiction over this area, has had a major impact on this sector.

Looking very briefly at the activities of various committees, we see that as usual, the Planning and Infrastructures Committee ranked first on the number of bills considered, which included a large percentage of private bills originating from the municipal level.

Legislation to amend the *Environment Quality Act* and other legislative provisions required nine sittings, totalling nearly 32 hours of work, during which special consultations were held. The purpose of this bill was to improve waste management in Quebec and to introduce a national packaging protocol.

The Social Affairs Committee considered a bill to amend the *Youth Protection Act*. The rights of the child, guidelines for social and judicial intervention, and the obligation to draw attention to situations that could jeopardize the child's security and development were some of the subjects discussed during detailed consideration of the bill, which represented about twenty hours' work.

In accordance with its mandate, the Budget and Administration Committee continued the traditional debate on the budget speech, which meant three sittings of nearly seven hours each. This was the first budget brought down by the Johnson government.

The Committee also spent four sittings, a total of fifteen hours on

detailed consideration of the bill to amend the *Taxation Act*.

Finally, the Committee took part in the Sixteenth Conference of the Canadian Council of Public Accounts Committees, held in Charlottetown on July 10, 11 and 12 this year. This annual event is an opportunity for the provinces and the federal government to share their experience regarding public accounts and is also attended by the auditors general of each government. The Committee on Culture spent part of its time examining the report of the Committee on Access to Information (four sittings, nearly fourteen hours) as provided under the legislation establishing this agency, which included the requirement for a review after five years.

The Committee proceeded with a detailed study of the bill to establish a cultural industries development corporation, which would have a mandate to promote and support, throughout Quebec, the introduction and development of cultural industries.

The Committee on Education dealt with two bills of particular interest. It finished consideration of the bill to amend the Professional Code and related legislation, which would bring about sweeping changes in this sector. Initially, the bill had been tabled at the end of 1993. Because of a lack of consensus among interested parties, the study could not be completed.

The Committee was also asked to examine the legislation on acupunc-

ture. A new professional corporation was established, and after many years of hard work, at last acupuncture practitioners are officially recognized.

Consultations on the collective agreement decrees system and a study of the report of the inter-departmental committee on collective agreement decrees, published in February 1994, took up most of the time of the Committee on Labour and the Economy. For more than 25 hours, 28 labour and employer organizations presented their briefs before members of the Committee.

The bill on the Quebec tourism corporation was also given detailed consideration by the Committee. The corporation's mandate will be to support the tourism industry, more specifically by promoting Quebec as a tourist destination.

The Committee on Institutions concentrated on the bill to amend legislation on hunting and fishing rights in the James Bay and New Quebec territories. From now on, aboriginal people will have the exclusive right to hunt for commercial purposes, to capture and to raise certain wildlife species such as caribou and musk-ox, always in accordance with the intent of the James Bay and Northern Quebec Agreement.

**Hélène Ménard**  
Secretary,  
Committee on Institutions  
National Assembly