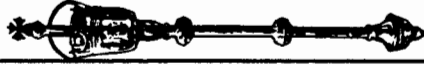

Legislative Reports



Manitoba

The Sixth Session of the Thirty-fifth Legislature resumed on March 9, 1995. The Government tabled its eighth budget the same day. As a precursor to the upcoming provincial election, there was great expectation about the budget and its impact on Manitobans. One of the highlights was that it was a balanced budget which had not happened in Manitoba in twenty-one years. However, the budget quickly became the centre of debate as critics noted that the balance, and a \$48 million surplus, were achieved by an infusion of funds from provincial lottery revenues. With considerable growing debate in the province over the growth in lottery gaming, the sides of the debate quickly lined up over the pursuit of fiscal stability versus the question of how that stability is achieved.

In keeping with the balanced budget theme, the Government proposed to bring in "balanced budget" legislation that would require future Manitoba governments to balance the budget each year. The consequence of not doing so would result in cabinet ministers receiving

a 20% cut in their salary the first year and 40% the following year, if the budget was not balanced. The penalty would not apply if the province experienced a natural disaster, war or a five percent drop in a year's revenue. As well, this legislation would require the Government to hold a referendum in order to raise income, sales or payroll taxes.

The House debated the traditional budgetary motion over the maximum eight days allowed by the rules of the House. During that time an amendment and subamendment were proposed, by the Official Opposition and Second Opposition, respectively, essentially stating that the House and Manitobans had lost confidence in the Government. Both amendments were defeated. The original motion itself, "That this House approves in general the budgetary policy of the Government", passed "on division" on March 20, 1995.

Procedural Matters

Speaker **Denis Rocan** ruled on a matter of privilege that had been raised prior to the Christmas adjournment. The Official Opposition House Leader, **Steve Ashton**, had contended that the Government's announcement of the sale of the crown corporation, A.E. McKenzie Co. Ltd., breached the privileges of Members of the House as they had had no opportunity to discuss the sale. On March 13, 1995, Speaker Rocan ruled that there was no breach of privilege as the Government is not required to make public announcements through the Legis-

lature. The matter was one of a complaint or a grievance against the Government, rather than one of privilege.

General Election

On March 21, 1995, Premier **Gary Filmon** went to the Lieutenant-Governor to request that the Thirty-fifth Legislature be dissolved and called a General Election for April 25, 1995. The standings in the House as of March 21, 1995, were as follows: Progressive Conservatives - 29, New Democratic Party - 20, Liberals - 6 and two seats vacant.

The results of the election returned the Progressive Conservatives with a majority of 31 seats to form the Government, the NDP with 23 to form the Official Opposition and the Liberals with 3. For the Liberals, the reduction to 3 seats meant the loss of their official Party status in the House as a minimum of 4 seats are required. The three Members will sit as Independents. Thus, after seven years of a three-party House, the new Legislature will return to its pre-1988 format, that of a two-party and perhaps somewhat more polarized House. Complete election results are found elsewhere in this issue.

Among the members who did not seek re-election were: **Clayton Manness** (PC-Morris), **John Plohman** (NDP - Dauphin) and **Bob Rose** (PC - Turtle Mountain).

During his time at the Manitoba Legislature, Mr. Manness held the portfolio of Minister of Finance for six years and Minister of Education and Training for two years.

Mr. Plohman had been a Member of the Assembly since 1981. Under the **Howard Pawley** administration, he had held a number of Cabinet portfolios, including, Minister of Government Services, Minister responsible for Manitoba Telephone System, Minister of Highways and Transportation and Minister of Natural Resources.

During Mr. Rose's five years as an MLA, he held the position of Legislative Assistant to the Minister of Agriculture and was Chairperson of a number of Standing Committees of the House.

The 36th Legislature began on May 23, 1995.

Judy White
Clerk of Committees
Manitoba Legislative Assembly



Saskatchewan

On February 6, 1995, Lieutenant-Governor **John Wiebe** delivered his first Throne Speech in opening the fifth session of the Twenty-second Legislature. Following the theme of "a new day of hope and opportunity", the speech announced this year's first balanced budget by a Canadian government. Initiatives in the areas of financial stability and public accountability, employment and economic renewal, sustainable resource development, agricultural diversification

and ensuring sustainable health care were also addressed.

Bill Boyd, who assumed leadership of the Official Opposition Progressive Conservatives in November 1994, accused the government of "coming forward with a Throne Speech that starts with the fundamental premise of a lie." Boyd was referring to the statement in the Throne Speech that 12,000 new jobs were created last year, in contrast to Statistics Canada's listing of Saskatchewan as having the worst job creation record in 1994.

Liberal Leader **Lynda Haverstock** criticized the speech for failing to address the issue of bringing integrity back to the Legislature in light of recent fraud convictions against two MLAs. Both opposition parties also disapproved of the government's expanded gambling plans not warranting a mention in the speech.

Budget

Finance Minister **Janice MacKinnon** presented the 1995-96 budget on February 16. The Minister announced a surplus of \$119 million in the 94-95 fiscal year, achieving the balanced budget barrier two years ahead of the NDP government's schedule. In her address, the Minister maintained that the government had taken a "balanced" approach to eliminate the deficit, in keeping with the mood of the province that disapproved of the wholesale destruction of government programs. The strategy announced to achieve this objective included the elimination of the deficit reduction income surtax for low-income earners and a reduction in the surtax for all other taxpayers; the reduction of income tax rates for small business, manufacturing and processing firms; an investment tax credit of nine percent on capital purchases for manufacturing and processing

companies; and capital spending in 1995-96 of \$825 million by Crown corporations and government departments. The Minister predicted that these measures would amount to a \$24 million surplus for 1995-96, \$65 million in 1996-97, \$80 million in 1997-98 and \$120 million in 1998-99. In the same period, it is estimated that the provincial debt will be reduced by \$1.5 billion.

Job creation was identified by the Finance Minister as the next area to be focused upon by the Government. The job strategy outlined in the budget includes job training initiatives designed to upgrade the skills of people in the job market and to match individuals to job vacancies, a youth summer employment plan and strategic tax cuts aimed at stimulating job creation. An increase of 4,000 jobs is projected to be the result of these measures.

Opposition Leader **Bill Boyd** criticized the budget stating that it was balanced by restraining taxpayers and not by restraining government itself. Mr. Boyd argued that there should have been more attention given to tax relief and less at debt reduction. He suggested a government-wide five percent spending cut which in turn would have permitted a reduction in the provincial sales tax by two percentage points. The Opposition was also strongly critical of the handling of the farmers' Gross Revenue Insurance Plan (GRIP) surplus, saying that all, and not just a portion, of the money should have stayed in agricultural programs. The government's decisions to reduce the amount taken from the liquor board by one third and to take no money from Crown utilities was also questioned.

Liberal Leader **Lynda Haverstock** called it a typical NDP budget featuring higher spending, minimal tax relief and few incentives for private sector job creation. She said the

Government had balanced the budget on the basis of luck with the money left over from GRIP and a windfall of resource royalties.

Special Debates

Legislative initiatives in Ottawa have significantly influenced events in Saskatchewan this session. Changes to the *Firearms Act* in Bill C-68 have prompted almost daily petitions from Saskatchewan residents, one private member's debate and one emergency debate all opposing the proposed firearms registry. In addition, a delegation of Members will appear before the federal committee reviewing the bill in May.

Budget cuts to federal agriculture and transportation programs were topics for one emergency debate and two private members' motions. The debates were noteworthy in that they culminated in unanimous recorded divisions in the Assembly.

Committee Activity

In the last session the Standing Committee on Public Accounts was instrumental in the passage of an amendment to the *Provincial Auditor's Act*, which authorized the issue of Fall Reports. These reports are to focus on the government's Summary Financial Statements and government organizations with fiscal years ending December 31. The first such report was tabled in the autumn of 1994 and pursuant to the act, referred directly to the committee. The Bill, a cooperative effort of all committee members, was piloted through the Assembly by the committee chair, **Harold Martens**.

Pat Lorje, chair of the Standing Committee on Crown Corporations, oversaw the implementation of new operating procedures adopted during the previous session. In accordance with the new terms of reference, the Minister re-

sponsible for the Crown Investments Corporation began the latest series of meetings by presenting a statement reflecting the corporation's mandate, goals, objectives and performance indicators; the structure of its investments; and the rationale for the retention or divestment of investments. The scope of questioning was also expanded as general questions about past and current performance indicators in addition to future objectives are now permitted to enable a more comprehensive examination of the annual reports under review. The committee's work has received greater publicity as the media has taken advantage of the new rules permitting them unrestricted access to make audio or audio-visual recordings of the proceedings.

The Report of the Select Committee on Driving Safety was tabled in the House on March 16, 1995, by the chair, **Glenn Hagel**. The Report outlined 49 recommendations covering new impaired driving laws including the toughest license-suspension legislation in Canada, mandatory rehabilitation of impaired drivers before they would get their license back, the impoundment of vehicles driven by disqualified drivers and a probationary license system for new drivers. The Committee held thirty-five public and high school hearings across the province and received more than 100 written briefs and nearly 7,000 responses to its questionnaire.

The Standing Committee on Private Members' Bills held several meetings to consider and review four private bills. One of these, *The Saskatchewan Wheat Pool Amendment Act, 1995*, generated considerable attention from a group who opposed the proposal to alter the SWP's co-operative characteristics to permit the raising of equity on the capital market. An unprecedented series of eleven public hearings

were held to permit interested parties to present their views to the committee. All four bills were reported without amendment to the House and subsequently given Third Reading and Royal Assent.

The Independent Committee on MLA Compensation (Salaries and Allowances) released its Report on March 30, 1995. The committee was established in December 1994 to review salaries, expense allowances and per diems for elected members and to recommend how to improve public accountability for all MLA payments. The three members of the committee are non-elected persons chosen through consultation between the parties. Input was received through oral presentations, written submissions and a toll-free telephone line from members of the public, caucus representatives and legislative officials.

The committee regarded the current system of annual indemnity and more than a dozen individual and caucus allowances as complex, misleading and in many cases, unaccountable. To address these inadequacies, the committee recommended:

- the abolishment of sessional and caucus expense allowances per diems;
- a reduction in the annual expense allowance;
- an increase in annual salary;
- deduction of \$200.00 from the salary for absences from sittings for other than approved enumerated reasons or if suspended;
- a reduction in legislative committee per diems when the Legislature is not in session;
- a reduction in living expenses for non-Regina members attending committee or Legislature meetings;
- greater accountability and disclosure of expenditures by members of public funds;
- a standard package of office furniture and equipment with a

subsequent downward revision of the monthly constituency allowance;

- a transition allowance for defeated incumbent members not eligible for a superannuation allowance;
- an annual audit of caucus grants and the return of all unused funds and accumulated assets to the Crown at the end of each legislative terms.

The Report will be considered by the Board of Internal Economy, which has the mandate to approve, reject or vary the report so as to reduce the recommended level of allowances, disbursements and other payments.

Other Matters

A Saskatchewan parliamentary education video entitled "Lisa Visits the Legislature" was premiered on February 22, 1995. The video was produced by a partnership of government departments and agencies lead by the Legislative Assembly Office. The video is designed for a grade 7 to 8 audience but it should also address public requests for information on our Legislature and parliamentary process in general.

The Government declared the week of April 2-8, 1995, as *Saskatchewan Peacekeepers Week*. Organized in conjunction with the *Canada Remembers Program* and the 50th Anniversary of the United Nations, over 200 Saskatchewan peacekeepers representing all branches of the Canadian Forces and the RCMP were recognized at a special ceremony at the Legislature. **Jim Wagman** of Regina was presented with the Canadian Honourary Peacekeeper Award of the Year for Saskatchewan for 1994 in recognition of his work in honouring and acknowledging the efforts of the province's peacekeepers.

Retirements, Appointments and Resignations

As noted earlier, **Bill Boyd** replaced **Rick Swenson** as Leader of the Official Opposition in November 1994 after winning the leadership race of the provincial Progressive Conservative Party.

Prompted by the retirements of **John Penner** and **Louise Simard** (who subsequently resigned her seat on April 10, 1995), two new members were appointed to cabinet by Premier **Roy Romanow** on the eve of the new session. **Fred Thompson** became associate minister of Economic Development. **Joanne Crofford** became minister responsible for the Saskatchewan Property Management Corporation and the Liquor and Gaming Authority.

On February 20, 1995, the Minister of Justice and Attorney General, **Robert Mitchell**, announced his resignation from cabinet following the disclosure that he had inadvertently identified a young offender on a radio talk show earlier that month. His responsibilities were assumed by **Ned Shillington**. A special prosecutor later directed that no public interest would be served by prosecuting Mr. Mitchell for a breach of the *Young Offenders Act*. Mr. Mitchell returned to the Justice portfolio on April 5.

Murray Koskie, who had resigned from cabinet in June 1993 because of a police investigation into the misuse of his MLA communications allowance, was convicted on two counts of fraud and subsequently sentenced on March 10, 1995. **Gerald Muirhead**, a former cabinet minister in the Devine administration, was convicted on January 23, 1995, on charges related to the use of his MLA communications allowance. Mr. Muirhead now sits as an independent member. In both Mr. Koskie's and Mr. Muir-

head's cases, judicial stays were entered on breach of trust charges and appeals have been filed.

Gregory Putz was appointed Deputy Clerk of the Legislative Assembly in June 1994. Mr. Putz began his parliamentary service as Clerk Assistant in 1987 and had been Acting Deputy Clerk since March 1994.

Sergeant-at-Arms **William Goodhand** retires this summer after ten years of service. Mr. Goodhand came to the Legislature after a twenty-six year career with the RCMP and five years as head of the legislative security unit of Wascana Centre Police. As the first full-time Sergeant-at-Arms and security officer for the Legislative Building, he has been instrumental in devising and implementing a security plan while ensuring that the building continues to be highly accessible to the public.

Margaret A. Woods
Clerk Assistant



Quebec

The National Assembly resumed sitting on March 14, 1995. The resumption of the session was highlighted by the tabling on March 23 of a \$42.5 billion budget for 1995-1996 by the new Quebec Minister of Finance, **Jean Campeau**. The budget provided for an increase of 1 per cent over the previous year's estimates.

The overall departmental envelope remains unchanged, but major

reallocations of funds were made among departments. The only increase registered, namely an increase of 7.5 per cent, was in the area of debt servicing.

At the very first sitting of the spring session, **Pierre Paradis**, the Opposition House Leader, rose on a point of order regarding to the nature of the obligation requiring the Committee on Institutions, further to the adoption of a motion on December 9, 1994, to meet to decide how it would proceed to gather and convey information for the eventual study of the draft bill respecting the sovereignty of Quebec.

After taking the matter under advisement, the President of the National Assembly, **Roger Bertrand**, ruled that pursuant to standing order 186, this motion constituted an order of the Assembly. However, in adopting the motion without specifying the date and place of the committee meeting, the Assembly left it up to the discretion of the Government House Leader, pursuant to standing order 147, to call a meeting of this committee. The President did add, however, that the committee's order of reference placed time limitations on the leader's discretion. Thus, as long as the order remains in effect, the Government House Leader has a duty to call a meeting of the Committee on Institutions in order to carry out the mandate given to it by the Assembly.

Mindful of the fact the information highway is already a well-established concept, one that is developing rapidly on the eve of the year 2000, the National Assembly Secretariat decided to move into the modern era and make available on computer various publications for which it is responsible. Working in cooperation with the Computer Systems Branch, the Secretariat set up a computerized bank of all Assembly proceedings. The software used is call CDR and was designed by a

Montreal firm. It allows the user to conduct searches by referring either to the complete text or to a list of headings.

At present this bank contains over 400 entries of Assembly proceedings published since March 1990. It is designed to allow quick, efficient consultation of an ever-growing volume of records.

Naturally, proceedings published prior to this date were not written with an eye to being eventually entered into a data bank. The original minutes of proceedings therefore had to be computer enhanced to extract the information contained in these documents and draw up an authority list of headings. This list makes it possible to integrate the terms used in the past by the authors of the minutes of proceedings but which have been modified over the years.

The Assembly Secretariat is now in the process of running the final tests on the data bank. In addition, the bank continues to be enhanced with the daily addition of new documents. All staff members of the Assembly should have access to the bank by early June through the Assembly network.

With respect to inter-parliamentary activities, the President of the Assembly, who also serves as the President of the International Assembly of French-speaking Parliamentarians (AIPLF), travelled to Bujumbura, Burundi, last part as part of a joint mission by the AIPLF and the Conférence ministérielle de la Francophonie to support this country's democratic institutions. The visit was in response to an invitation extended earlier by the President of the National Assembly of Burundi, Mr. Ngendakumana.

Nancy Ford and Jean Bédard
National Assembly Secretariat

Committee Activity

In Quebec, the hearings of the Regional commissions on the future of Quebec in February and March 1995 disrupted somewhat the activities of the parliamentary committees. The pace of committee work has been moderate during the past quarter. From February 1 to April 30, 1995, the committees held 91 sittings on different subjects over a period of over 310 hours.

This quarter was highlighted by activities and mandates arising from legislation or initiated by the committees, pursuant to the Standing Orders of the National Assembly.

Pursuant to section 119.1 of the *Act respecting access to documents held by public bodies and the protection of personal information*, the Committee on Culture examined the 1992-1993 and 1993-1994 reports of activities of the Commission d'accès à l'information.

On February 2 last, this Commission was given a mandate to examine the repercussions of the development of the information highway on Quebec's cultural development. The Commission began its twelve-month mandate by holding talks with Mr. **Jean-Pierre Delwasse**, a advisor to the Commission as well as a special series of consultations.

Pursuant to Standing Order 294 of the National Assembly, two committees proceeded to examine the objectives, activities and management of public bodies. The Committee on the Budget and Administration heard from officials from the Société des loteries du Québec during two sittings, while the Committee on Education heard testimony during one meeting from the Commission de l'évaluation de l'enseignement collégial.

Pursuant to section 8 of the legislation respecting the accountability

of deputy ministers and directors of public bodies, the Committee on the Budget and Administration heard from the President of the Commission administrative des régimes de retraite et d'assurances and from the Secretary of the Treasury Board. These activities were conducted in the presence of Quebec's Auditor General.

The Auditor General also met with members of the Committee on Agriculture, Fisheries and Food. The discussions centered on the Auditor General's various reports on the Department of Agriculture, Fisheries and Food and public bodies under the Committee's authority.

Continuing in the same area, the Committee on Education heard from the Superior Council on Education on the state of education in Quebec and the requirements in this field. At one meeting, members also heard from the administrators of the Télé-université.

As part of its government-ordered mandate, the Committee on Labour and the Economy examined the general follow-up report on Hydro-Quebec's 1993-1994 performance to December 31, 1994. The Committee also examined special reports on energy efficiency and on Hydro-Quebec's proposed rates for 1995.

The committees also reviewed legislation. The Committee on Institutions conducted a in-depth study of Bill 40, *An Act to establish a permanent electoral list and to amend the Election Act and other legislative provisions*. The study has not yet been completed.

As part of its study of Bill 60, *An Act to facilitate the payment of support*, the Committee on Social Affairs held special hearings during which it heard testimony from 28 individuals and organizations. A detailed study of the bill is now under way.

Elsewhere, the Committee on Labour and the Economy conducted in-depth studies of several bills. Mention should be made of the study of *An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and to amend other legislative provisions*. Since December 1994, a total of 14 sittings have been held to examine this bill.

The Committee on Institutions has also held hearings into administrative justice. Testimony has been heard from twelve individuals and organizations.

Lastly, as is the case every year at this time, parliamentary committees devoted most of their sittings to examining their budgets. A maximum of 200 hours is set aside for this task. As of April 30, the committees had spent nearly 180 hours reviewing their budgets. This process is scheduled to be completed by early May.

Line Béland
Committee Secretariat
Quebec National Assembly



British Columbia

The British Columbia Legislative Assembly returned on March 22 for the Fourth Session of the 35th Parliament. The Speech from the Throne was delivered by Lieutenant-Governor David Lam, whose term of office ended a few weeks later after nearly seven years. The province's new Lieutenant-Governor

nor is Garde Gardom, a former Social Credit cabinet minister and later the province's Agent General in London, England. He was sworn into office on April 21, 1995. The Speech from the Throne stressed the province's robust economy and indicated the Government's commitment to continue funding infrastructure works like highways, ferries and schools and implementing land use plans in the forestry sector. The Speech also outlined the Government's commitment to cut taxpayer-supported debt to 20% of Gross Domestic Product and to reduce real government spending per capita.

Budget Leak

The provincial budget was introduced in the House on March 28, but not before a budget leak of unprecedented size had occurred. An anonymous informant telephoned a newspaper reporter the evening before the scheduled address by Finance Minister Elizabeth Cull and provided a detailed outline of the contents of the budget. The newspaper, after confirming the accuracy of the details, indicated its intention to publish them the following morning, some seven hours prior to the 2:00 p.m. Budget Address. Government officials decided not to recall the House in the night, but moved the Budget Address up to the first order of business at 10:00 a.m., thereby reducing the time between the newspaper's release and the official Address. Following the Address, the House adjourned for an Emergency Debate on the subject of the leak. The budget contained no new taxation measures, and the likelihood of anyone profiting personally from the leak is remote. However, an RCMP investigation was immediately begun in response to this unprecedented leak.

Investigations by Statutory Officers

Soon after the session began, two allegations were filed with Members' Conflict of Interest Commissioner **Ted Hughes** in regard to advertising contracts signed between the Premier's Office and a communications firm with ties to the governing NDP. The Commissioner's report, released April 17, concluded that no real or apparent conflict of interest existed with respect to the Premier's relationship with the advertising company. The fact that one of the allegations was levelled by a radio reporter in the legislative press gallery attracted considerable comment, including charges from government members that a member of the press was crossing the line between reporting political events and actively creating them. The Auditor General, **George Morfitt**, also has launched an investigation into the Government's relationship with the advertising firm, specifically the manner in which certain ministries awarded some contracts.

House Business

As of early May, the Government had introduced twenty-one bills. Two of the higher profile bills are the *Columbia Basin Trust Act*, which established a regional authority in the Kootenay region to cooperate with the provincial government in water management in the area, and to oversee the dispersal of benefits flowing from the Columbia River Treaty signed between British Columbia and Washington State in 1964. Another bill, the *Water Protection Act*, prohibits the export of bulk water from the province along with large-scale diversion projects between watersheds within the province. It also confirms ownership of surface water and groundwater in the province.

Changes in Party Standings

The province's 35th Parliament has, among other things, kept the Sergeant-at-Arms's staff busy re-arranging the seating plan in the chamber. Since the election in 1991, the Official Opposition Liberals have elected a new leader, while the provincial Reform Party has gone from no Members to four, earning third party status. Over the last few months, more changes have occurred.

Bob Chisholm (Chilliwack) now sits as an Independent after unsuccessfully seeking the renomination as a Liberal candidate for the next provincial general election. A by-election held in the constituency of Abbotsford on May 4 saw a close race between the Liberal and Reform parties, with Liberal **John Van Dongen** emerging the victor. The new Minister of Government Services is **Ujjal Dosanjh** (Vancouver-Kensington); he replaces **Robin Blencoe**, who was removed from cabinet and the NDP caucus following allegations of sexual harassment. Environment Minister **Moe Sihota**, a lawyer, resigned his cabinet post on May 5 following a finding by the province's Law Society that, while acting as member of the bar prior to the 1991 provincial election, he had mixed personal and business matters in advising clients to invest in a company owned by his father. The Finance Minister has assumed responsibility for the Environment portfolio, while immigration policy has been moved to the Ministry of Employment and Investment, and Multiculturalism and Human Rights have been moved to the Ministry of Government Services.

Following these changes, the Assembly is composed as follows: NDP 50, Liberals 15, Reform 4, Progressive Democratic Alliance 2, Social Credit 1, and Independents 3.

Committee Activity

The Special Committee to Appoint a Child, Youth and Family Advocate released its report on March 8, 1995. It recommended that **Joyce Preston**, then Director of Social Planning for the City of Vancouver, be appointed the province's first Advocate. The report was subsequently adopted by the House and Ms. Preston was sworn in on May 15, 1995. The Advocate is a statutory officer of the legislature who is appointed for a six-year term and is responsible for reviewing complaints by children, youth and families receiving designated government social services. The position also is responsible for coordinating advocacy services in communities throughout the province.

Neil Reimer
Assistant Committee Clerk



Consideration of major legislation on gun control, the budget brought down by the Finance Minister and amendments to the Criminal Code occupied most of the proceedings. The Chair handed down a number of important decisions, and the committees resumed their normal work load.

Procedure

In a decision on March 13, the Deputy Speaker ruled that a reasoned amendment did not necessarily op-

pose the principle of a bill to be found in order. Referring to Speaker Lamoureux's decision of August 30, 1966, the Chair noted that opposition to the principle of a bill is only one possible criterion for an acceptable reasoned amendment.

Jean Charest (Sherbrooke, PC), basing himself on an alleged statement by Brenda Chamberlain (Guelph—Wellington, Lib.) to the effect that certain Members had known in advance whether programs in their ridings were going to be seriously affected by the budget, rose on a question of privilege to argue that government Members had broken the budget secrecy rule. Ms Chamberlain countered that she had had no access to any confidential information and as far as she knew no other Member had had such access either. On March 16, the Speaker reminded the Members that one of the key traditions of the Commons is that a Member's word must be accepted. Since Ms Chamberlain had asserted in the House that she had not been privy to any information that would have violated the budget secrecy rule, the Speaker could not find that Members had been hindered in any way in their parliamentary duties.

After they have spoken in the House, Members may review the transcript of their remarks before they are printed in Hansard. On March 16, the Speaker ruled that there was a substantial difference between the remarks made in the House by the Deputy Prime Minister and Minister of the Environment (the Hon. Sheila Copps, Hamilton East, Lib.) and the printed version. The changes made by the Minister's office had been too extensive. The Speaker therefore gave instructions that an erratum be printed in Hansard.

For the first time in many years, the House sat over a weekend. On March 25 and 26, Members consid-

ered Bill C-77 to end the railway workers' strike. In its 69th report, tabled on March 24, the Standing Committee on Procedure and House Affairs recommended that the House not go ahead with the taking of divisions by electronic means for the present.

On April 6, the Speaker found that the Minister of Justice had not breached the *sub judice* convention by saying that the government disagreed with a court's decision and was planning to contest it. Reiterating the principle that the ultimate authority in such matters lies with the Chair, the Speaker pointed out that "all Members of the House must share the responsibility for exercising restraint when it seems called for".

Committees

On March 22, the Board of Internal Economy decided to modify the format of committees' *Minutes of Proceedings and Evidence*. Starting on April 1, for an experimental period of one year, the *Minutes of Proceedings and Evidence* will be available in separate English and French versions and will consist of a transedited transcription of the original language used and a transedited transcription of the interpretation made at the time. Transediting is a process that allows for limited verification by eliminating tape overlap and repetitions. Quotes are also checked. The Board expects to save \$4.8 million a year.

For some time now some committees of the House have been using a teleconferencing system that allows witnesses to appear before a committee and talk with its members via electronic means. The technique generates significant savings in time and money by avoiding unnecessary travel by witnesses and committee members.

Private Member's Business

In March 21, the House passed a motion by Derek Lee (Scarborough—Red River, Lib.) on creating a mechanism to review the activities of the Communications Security Establishment.

Board of Internal Economy

Since March 16, Jim Silye (Calgary Centre, Ref.) replaced Stephen Harper (Calgary West, Ref.) on the Board of Internal Economy.

André Gagnon
Procedural Clerk
Table Research Branch



New Brunswick

The Fourth Session of the Fifty-second Legislative Assembly adjourned April 13, 1995. The House, which commenced on February 7, sat a total of 31 days during the Spring Session.

The 1995-96 provincial budget, tabled in the House on February 21 by Finance Minister Allan Maher (Dalhousie), contained no new taxes and no tax increases but provided for a number of modest tax reductions. The budget met the requirements of the three-year balanced budget legislation introduced in 1993 which required that ordinary spending not exceed ordinary revenues over the period 1993-94 to 1995-96. The Government announced its intention to introduce amendments to the cur-

rent balanced budget legislation requiring an overall budgetary balance over the four-year period 1996-97 to 1999-2000. Mr. Maher noted that the budget not only produces a surplus on the ordinary account but also an overall budgetary surplus for 1995-96. The budget provides for ordinary spending of \$3,957.1 million and budgetary spending of \$4,301.5 million. With ordinary revenues of \$4,107.9 million and budgetary revenues of \$4,369.4 million, it will result in an ordinary surplus of \$150.8 million and overall budgetary surplus of \$67.9 million.

The Finance Minister also noted that the 1995-96 budget marked the first time in recent memory that a reduction in net debt has actually been planned and anticipated in a provincial budget. The budget forecasts a \$67.9 million reduction in the coming year, reducing the net debt to \$5.4 billion for the fiscal year ending March 31, 1996.

In opening the budget debate, Official Opposition Finance Critic **Gordon Willden** (Riverview) acknowledged the progress the province has made toward balancing the budget. He cautioned, however, that there is a long way to go and that the financial situation is still precarious. Mr. Willden noted there is a window of opportunity, but accomplishing real, lasting stability will require the elimination of the extras not only in the area of social services but also in the operation of the provincial government and in the areas of the elimination of patronage and frivolous waste. He stated that the province must forge ahead during periods of economic recovery, stimulating the economic benefits of the resurgence of the economy.

Legislation

Sixty-one bills were introduced, fifty-eight of which received Royal Assent. Noteworthy among the legislation introduced were Bill 57, *An Act to Amend the Right to Information Act* and Bill 21, *An Act to Amend the Industrial Relations Act*. The amendments to the *Right to Information Act* extend the scope of the Act, giving a right of access to information held by hospital corporations and by school and community boards of the province's school districts. The amendments also provide the necessary exemptions for private and confidential information. Amendments to the *Industrial Relations Act*, introduced by NDP Leader **Elizabeth Weir** (Saint John South) as a private member's public bill, provide for a prohibition on the use of strikebreakers or replacement workers in New Brunswick during a legal strike or an employer lock-out. Second Reading was discharged and the subject matter of the bill referred to the Standing Committee on Law Amendments for further review. Public hearings on the bill will be held in June or early July.

Among the private bills introduced was Bill 59, *An Act to Amend An Act Respecting the New Brunswick Medical Society and the College of Physicians and Surgeons of New Brunswick*. Of particular significance in the proposed amendment is the inclusion of "sexual abuse" in the definition of professional misconduct. The bill will be considered by the Standing Committee on Private Bills at hearings scheduled in June.

Committee Activity

The Standing Committee on Crown Corporations completed its review of the *New Brunswick Power Corporation Business Plan 1994-1999*. The final report, filed on January 25 and

tabled in the House on March 2, addressed various financial and accounting aspects of NB Power's operations and related areas of the Business Plan. On March 30, NB Power Chairman **Raymond Frenette** (Moncton East) tabled an updated Business Plan covering the years 1995-2000. This plan has also been referred to the Crown Corporations Committee for consultation and review.

The Standing Committee on the Ombudsman met on March 28, April 4, 11 and 13, 1995, to consider the findings as they relate to the Office of the Ombudsman in the Report of the Commission of Inquiry conducted by Justice **Richard Miller** of the Court of Queen's Bench of New Brunswick. The Commission was set up to examine allegations of sexual abuse at the New Brunswick Training School located in Kingsclear, New Brunswick.

In the Report of the Commission of Inquiry tabled in the Legislative Assembly on February 28, 1995, Justice Miller comments on the actions of the Ombudsman's Office, which office reports directly to the Legislative Assembly. The Report criticizes the Ombudsman for refusing to allow officials of the office to appear before the inquiry to testify. In particular, the Commissioner found that "the Ombudsman's Office has failed the people for whom this high office was created and the Commission of Inquiry charged with specific responsibilities."

The Ombudsman, **Ellen King**, appeared before the Committee and explained that the Ombudsman and staff were prohibited from appearing at a proceeding of a judicial nature such as the Miller Inquiry, as doing so would breach the confidentiality provisions of the *Ombudsman Act*. A legal opinion, sought by the Committee and prepared by University of New Brunswick Law Professor **David G. Bell** supported

the view that under s-s 24(2) of the *Ombudsman Act*, the Miller Inquiry did not have the power to call the Ombudsman or staff of the office to give evidence and that even if called, staff were forbidden by their statutory oath from disclosing information of a confidential nature acquired in the course of their duties.

In a report presented to the House by Hon. **Laureen Jarrett** (Kings West) on April 13, the Committee found that the Ombudsman's decision not to allow officials from the office to appear and give testimony under oath, was in accordance with the requirements of the *Ombudsman Act* and in accordance with the oath of confidentiality which both the Ombudsman and officials of that office are required to take. In this regard, the Committee found that the Ombudsman's Office did not fail the people or the Commission of Inquiry.

It is widely anticipated that a provincial election will be called for the early Fall as the Liberals, led by Premier **Frank McKenna** (Chatham), seek a third term in office. Both the Progressive Conservative Party and the Official Opposition Confederation of Regions Party have scheduled leadership conventions to choose new leaders before the upcoming election.

Donald J. Forestell
Clerk Assistant

SENATE



Shortly before the Senate resumed its sittings in February after the Christmas recess, **Alasdair B. Gra-**

ham of Nova Scotia was appointed Deputy Leader of the Government. Senator **Graham** who came to the Senate in 1972, has served as chairman of a number of Senate committees and up until his appointment as Deputy Leader was Chairman of the Standing Committee on Social Affairs, Science and Technology. Senator **Graham** replaced **William J. Petten** who had been acting as Deputy Leader since the appointment of **Gildas Molgat** as Speaker of the Senate.

Legislation

During the second half of March, two government bills were examined under pressing circumstances. Both had to do with work stoppages in transportation. The first dealt with the closure of the ports on the West Coast and the second halted a nation-wide railway shutdown. An interesting feature in the Senate's consideration of these two subjects, from the procedural point of view, is the way the Committee of the Whole is used to hear witnesses and not just review the bill clause-by-clause. When Committee of the Whole examined the bill on West Coast Ports Operations, the Minister of Labour appeared as a witness to answer questions. In anticipation of the great urgency for the passage of the Maintenance of Railway Operations Bill, the Senate adopted a motion to consider the subject in Committee of the Whole prior to actually receiving the bill from the House of Commons. This permitted the Senate to hear testimony from representatives of the railways and the unions without creating any additional delay in the passage of the emergency legislation.

On April 6, Bill S-7, promoting the use of alternative fuels for motor vehicles, sponsored by Senator **Colin Kenny**, received third reading and passage in the Senate. The

bill is now before the House of Commons. Should it be adopted there, Bill S-7 will have achieved a rare feat. The last time a senator's public bill received Royal Assent was in 1990.

Speaker's Ruling

Among the bills adopted by the Senate were several on appropriations. With respect to one of these, Senator **David Tkachuk** raised a point of order to challenge a particular vote because, in his view, based on rulings of different Speakers of the House of Commons, it was legislative in character. In his ruling made the next day, the Speaker found that the vote was procedurally acceptable. The Speaker also pointed out that rulings of Speakers of the House of Commons relating to the specific practices of that House for the consideration of the estimates mandated in the Standing Orders do not apply to the Senate.

Committees

Although many of the Senate committees have been busy at work on legislation or special studies, most of the committees will not be reporting back to the Senate until later in the session. This is the case with the Standing Committee on Legal and Constitutional Affairs and its examination of Bill C-37, *An Act to amend the Young Offenders Act and the Criminal Code* and Bill C-69, *An Act to provide the establishment of electoral boundaries commissions and the readjustment of electoral boundaries*.

The Standing Committee on Transport and Communications has begun a special study on Canada's international competitive position in telecommunications. The Order of Reference adopted by the Senate April 5 mandates to the committee to examine, among other things, the economic, social and cultural importance of telecommunications as

well as the impact of current developments in this field, including foreign investment, on Canadian heritage and the role of the CBC. The results of the committee's review is to be presented to the Senate at the end of this year.

One committee that did report back to the Senate on a special study was the Standing Committee on Aboriginal Peoples. On March 29, 1995, the Chair of the Committee, Senator **Raynell Andreychuk**, presented the Committee's report on the treatment of aboriginal veterans following the First and Second World Wars and the Korean War. The report is entitled *The Aboriginal Soldier After the Wars*. In its report the Committee urges the federal government to recognize the special contribution of aboriginal veterans during the Wars and to apologize to them for the inequities and insensitive treatment they experienced after their return from these wars.

With Senator Graham's departure from the chairmanship of the Standing Committee on Social Affairs, Science and Technology, Senator **Lorne Bonnell**, another long standing member of the Senate, was elected as the new chairman of that Committee.

Special Committee

In early May, the Senate adopted a motion, presented by the Leader of the Opposition in the Senate on March 21, to establish a special Senate committee to review the circum-

stances and history relating to the cancelled contract on the management of Pearson Airport. The special committee is expected to begin its work sometime this summer and should be reporting to the Senate within the year.

New Senators

On March 21, the Government announced that two new senators had been appointed and both were introduced to the Senate on March 28. Senator **Céline Hervieux-Payette** is from Quebec and she is a former federal Minister of Youth and Amateur Sport in the last Trudeau administration. Senator **Rose-Marie Losier-Cool** comes from New Brunswick where she had a successful career in education. With these two appointments, the standing in the Senate is now 52 Progressive Conservatives, 47 Liberals, 3 independents and two seats still remain vacant.

Administration

The Senate has not been immune to pressure to reduce expenditures throughout the government. In its twenty-first report, the Standing Committee on Internal Economy, Budgets and Administration recommended that the budget of the Senate which had been already adopted last December, proposing a 0% increase over the previous year, be reduced by 4.2% or \$1,718,000.

Meanwhile, the reduction in some services initiated in the House

of Commons has caused some consternation in the Senate. The House recently decided to discontinue, on a trial basis, printing full bilingual transcripts of committee meetings. Some senators have raised concerns about the operation of joint committees that might be affected by this decision as well as questions about the possible constitutional and legal propriety of the decision.

Less contentious was the division of parliamentary associations between the two Houses that went into effect April 1. The Senate has assumed administrative responsibility for four parliamentary associations: Canadian NATO Parliamentary Association, Inter-Parliamentary Union, Canada-Europe (including OSCE) and Canada-France.

Miscellaneous

Finally, in the aftermath of a fire that damaged or destroyed the homes of approximately 150 people in the nearby community of Gatineau, the Deputy Leaders of the Senate, at the initiative of Mrs. Berntson, the wife of the Opposition Deputy Leader, called upon all senators and staff to contribute whatever they could for the relief of the victims. Within a matter of days, the Senate managed to collect \$2,500.

Tonu Onu, Serge Pelletier and Charles Robert
Committees Branch

