
Legislative Reports



House of Commons



The House adjourned for its usual winter break on December 14, 1995. It was scheduled to last until February 5, 1996. However, shortly after Bill C-110, an *Act Respecting Constitutional Amendments*, was passed by the Senate and given Royal Assent on February 2, 1996, the Governor-General issued a proclamation proroguing Parliament, thus bringing to a close the First Session of the 35th Parliament. In the days leading up to prorogation, certain events worthy of mention took place.

Procedure

On November 21, 1995, **Len Taylor** raised a point of order concerning the Government's failure to respond to the Fifth Report of the Standing Committee on the Environment and Sustainable Development within the 150-day time limit prescribed by Standing Order 109. Under that Standing Order, whenever a committee reports to the House, it may request that the Government present a comprehensive response. Later that day a Govern-

ment spokesperson assured the House that a response would be forthcoming within a few weeks. The Speaker stated that if the Government's commitment was acceptable to the House, he would not rule on the point of order. The Government's response was tabled on December 14, 1995.

On December 14, **Ray Speaker** rose on a point of order to ask that the Reform Party be recognized as the Official Opposition. Mr. Speaker argued that his party was "the largest minority party that is prepared, in the event of the resignation of the government, to assume office" and that his party represented a broader range of interests than the current Official Opposition, the Bloc québécois. The Speaker of the House, **Gilbert Parent**, stated that he would return to the House with a decision "if it is necessary, when it is necessary".

Committees

On December 13, 1995, the House concurred in the 110th Report of the Standing Committee on Procedure and House Affairs, which recommended that a revised form of Part III of the 1996-97 Estimates be used on a trial basis for six departments, as proposed by the Treasury Board Secretariat. Earlier, on December 7 the Committee had presented its 107th Report, informing the House of another Treasury Board Secretariat proposal to change the vote structure of the 1996-97 Estimates. Both reports are the result of the work of the sub-committee created to review the business of supply.

The fall of 1995 was only the second opportunity for the Standing Committee on Finance to use the new procedure established under Standing Order 83.1, which allows the Committee to conduct, and report on, pre-budget consultations. On November 22, the House agreed to a motion authorizing the Committee, or any of its sub-committees, to travel during the week of November 27 for the purpose of holding such consultations, and on November 28 adopted a motion to empower the Committee to televise its proceedings from Calgary, Fredericton, Montreal and Vancouver. Pursuant to an order made on November 21, the Committee submitted an interim report on December 12, 1995, and deposited its final report with the Clerk of the House on January 17, 1996. A special debate was held on December 14 to allow the House to "take note" of the Committee's interim report.

In its 108th Report to the House, presented on December 8, 1995, the Standing Committee on Procedure and House Affairs expressed its concern about how the Senate Standing Committee on Legal and Constitutional Affairs was handling Bill C-69, an *Act to Provide for the Establishment of Electoral Boundaries Commissions and the Readjustment of Electoral Boundaries*. This bill had been drafted on the instruction of the Commons committee under a new procedure. It was the Committee's opinion that it was inappropriate for the Senate to insist on its amendments in the case of a bill dealing with electoral matters. The Committee recommended that a

message be sent to the Senate to acquaint that House with its views and to ask the Senate committee to dispose of the Bill without further delay. A motion to concur in the report was not taken up by the House.

During clause-by-clause study of Bill C-232 an *Act to amend the Divorce Act (granting of access to, or custody of, a child to a grandparent)*, at its December 7 meeting, the Standing Committee on Justice and Legal Affairs defeated each of the clauses, the title and the bill itself, and decided not to report to the House. The bill was a private Member's bill presented by Daphne Jennings.

Thomas Hall
Procedural Clerk
Table Research and
Parliamentary Exchanges Branch



Saskatchewan

The first session of the 23rd Legislature is scheduled to open on February 29, 1995. Premier Roy Romanow, in announcing the date, indicated that the legislative program will be structured upon redesigning government in the areas of health, education, social services and local government. An estimated 100 bills are forecasted. The provincial budget is expected in mid-March.

One change that will be evident in the Legislature is the presence of eight fewer members. Revised con-

stituency boundaries came into effect at the last election with a reduction in the number of seats from 66 to 58. The New Democratic Party has a majority of 42 seats with the 10 Liberals members forming the Official Opposition. The Progressive Conservatives have 5 members. The Assembly will also have a single independent member as result of former Liberal leader Lynda Haverstock's departure from the Liberal caucus.

Two members of the Standing Committee on Parliamentary Privilege and Ethics of the Legislative Council of New South Wales, Australia, accompanied by their Deputy Clerk, visited the Assembly from January 23 to 25. They were gathering information on how different jurisdictions regulate members' ethics and conduct, in preparation of their committee developing a code of conduct for Members of the Legislative Council. In 1993 the Saskatchewan Legislative Assembly adopted a Code of Ethical Conduct for Members of the Legislative Assembly, a new conflict of interest act, and a conflict of interest commissioner.

Margaret A. Woods
Clerk Assistant



Manitoba

The Second Session of the 36th Legislature commenced on December 5, 1995. It was a brief return

consisting of the Speech from the Throne and the following customary eight days of debate. The House recessed on December 15 for the holiday season and is expected to reconvene during the first week of April.

The Throne Speech noted the Government's record of the past eight years, emphasizing that its fiscal management had been "prudent" and that it had been successful in not increasing any major taxes. The Speech also referenced the balanced budget legislation, passed in the previous session, which the Government considers a key tool in maintaining their fiscal approach.

The Speech also contained the Government's criticism of upcoming cuts in federal spending that will particularly affect the health care and education budget. In terms of upcoming endeavours, the Throne Speech referenced the establishment of certain task forces and councils. These include a task force to review issues and policies affecting rural Manitoba and a task force to examine civil litigation and ways in which to reduce its inefficiencies. The Government also plans to establish a Manitoba Information Highway advisory council and to introduce legislation to establish a post-secondary advisory council.

The Government intends to conduct a comprehensive review of *The Child and Family Services Act*. And as a hint of the upcoming legislative agenda, the Throne Speech indicated the Government's intention to introduce legislation that would require greater disclosure of expenditure of public sector institutions and organizations.

In response to the Throne Speech, the Leader of the Official Opposition, Gary Doer, was critical of the Government's record and believed that the initiatives set forth in the Throne Speech were inadequate to

meet the challenges facing Manitoba. In a motion to amend the Address-in-Reply, Mr. Doer raised a number of matters that the Opposition believe have created a loss of trust and confidence, by Manitobans, in their Government. These matters included the Opposition's claims that: the Government had broken its election promise to keep open community hospital emergency rooms for 24 hours a day; the Government had not implemented a plan for post-secondary education for the 21st century; the Government could have prevented a significant loss of jobs in Manitoba and; the Government had been inactive on aboriginal issues and sustainable development. The Opposition's amendment was defeated on a recorded vote.

A sub-amendment was also moved, to the Address-in-Reply, by **Kevin Lamoureux**, one of the three Liberal Independent Members. Mr. Lamoureux's amendment was also one of non-confidence in the Government. This motion was defeated on a voice vote.

Procedural Reform

A significant development in the reform of the Rules of the House is underway in Manitoba. A "Memorandum of Understanding" was signed in December 1995, by all three Parties represented in the House in which a number of proposed rule changes were laid out in principle. The changes are to be on a one year trial basis commencing the Spring of 1996.

One of the major changes proposed is a fixed legislative calendar. A certain number of weeks have been agreed to for both Spring sittings and Fall sittings of the House, with a set time for the Spring recess date and a set time for the conclusion of the Fall sittings. As in other jurisdictions, a set calendar brings to

an end the difficulties that sometimes occurred when the end of a session was unknown, such as lengthy filibusters and rushing legislation through its final stages over long days and into late nights. Other proposed changes include agreement to essentially devote the Spring sittings to dealing with the Throne Speech, the Budget, the detailed consideration of the estimates and the financial bills. In addition, unless otherwise agreed to by House Leaders, all Government legislation for the whole session is to be introduced during the Spring sittings. The Fall sittings are to be devoted to the remaining stages of the consideration of legislation and passing all bills through to a vote on third reading by the conclusion of the session. The House is not to sit on Fridays but that day will be devoted to Committee business.

Length of speaking time in debate is to be shortened from 40 minutes to 30. Private Members' business is to be enhanced with the plan for a committee to recommend which Private Members' bills and resolutions will be debated and voted upon. Non-political statements are to be abolished and replaced with Members' Statements which allow for Members to address the House on any topic for no more than two minutes. As rule changes have been long awaited in Manitoba, the remainder of the Second Session should prove to be quite interesting.

Committees

The Standing Committee on Privileges and Elections met in January to consider applications for the position of Provincial Ombudsman and to interview candidates. As a senior officer of the Legislative Assembly, this position is to be selected by a Standing Committee of the House.

Judy White
Clerk Assistant
Manitoba Legislative Assembly



Quebec

Last fall the National Assembly sat for only fourteen days between November 28 and December 15, 1995. The referendum on the sovereignty of Quebec, which took place in October, accounts for the fact that this part of the session was so brief. Nevertheless, the Assembly passed 28 bills, of which 25 were public bills.

The legislation dealt with areas such as manpower and labour relations, agriculture, the construction industry, the protection of the environment, transport and income security.

In the latter two cases, the Government had to move a motion suspending certain rules of procedure in order to allow the passage of two bills. The first bill established the *Agence métropolitaine de transport* and contained various provisions regarding the operation and the development of public transportation and of the suburban train services in the Montreal region. The other bill modified the *Act Respecting Income Security*, particularly with regard to eligibility for certain financial support programmes.

During debate on a motion moved by the Minister of Employ-

ment, **Louise Harel**, regarding manpower adjustment and vocational training programmes, the Chair was asked to rule on the receivability of a sub-subamendment moved by the Liberal Member for Châteauguay, **Jean-Marc Fournier**.

Deputy Speaker **Pierre Bélanger** declared that he could not allow comments regarding the receivability of the motion by the Member, nor could he allow the Assembly to rule on this motion since the concept of sub-subamendment does not exist in our Standing Orders. A motion to amend a subamendment is not provided for in any precedents or practices of the Assembly.

On December 13, 1995, Speaker **Roger Bertrand** tabled a directive regarding the use of laptop computers in the Assembly during its proceedings. He acknowledged the fact that communications systems have evolved tremendously over the past decade and accepted the principle of the use of such equipment within the confines of the Assembly, as long as its utilization neither interferes with Members' discourse, nor disrupt proceedings.

Among the political events that marked the beginning of 1996 was the departure of Premier **Jacques Parizeau** from public life.

Mr. Parizeau was first elected in 1976 to represent the riding of L'Assomption. He was then appointed Minister of Finance and Minister of Revenue, while he also held the office of Chairman of the Treasury Board. In November 1984, he resigned both as Minister and as Member. He returned to the political scene in March 1988, after being chosen to lead the Parti Québécois. Re-elected on September 25, 1989, he once again took a seat in the National Assembly, this time as Leader of the Official Opposition. When the Parti Québécois regained power on September 12, 1994, Mr. Parizeau

served as Premier of Quebec until his recent resignation.

Following the path of their leader, two other Government Members, **Denis Lazure** and **Francis Dufour**, also announced their retirement from politics.

Premier **Lucien Bouchard** was sworn in on January 29, 1996, the same day he announced his Cabinet, which includes 22 members. There are 10 newcomers and 6 former ministers have returned to the backbenches. The new government leader has chosen to restructure the Cabinet by appointing four superministers to supervise the following priorities of the Government: Economy and Finance; Employment and Solidarity; Natural Resources and Metropolitan Montreal. Furthermore, a number of secretariats (for family, elders, youth etc.) formerly under the jurisdiction of the Executive Council have been distributed among the sectoral ministries. Finally, the Prime Minister has abolished the position of regional delegate since each region is now represented by a member of Cabinet.

The Deputy House Leader, **André Boisclair** was appointed Minister responsible for Immigration, Cultural Communities, Consumer Protection, Access to Information and Human Rights. At age 29, Mr. Boisclair is the youngest Member to accede to the Cabinet in the history of Quebec.

The former Speaker **Roger Bertrand** as well as the former Deputy Speaker **Pierre Bélanger** also joined the Cabinet. Mr. Bélanger will be replacing **Guy Chevrette** as Government House Leader. When the session resumes on March 12, 1996, elections will be held to fill both offices left vacant following these nominations.

Administrative Matters

On December 14, 1995, the Office of the National Assembly concurred in a new organizational plan of the National Assembly's administration. This plan represents the two main operating sectors of the National Assembly, namely the parliamentary sector, which encompasses the various services directly involved in the planning, the organization and the progress of proceedings both in the Assembly and in Committees, and the administrative sector, which consists of the entire administrative support units.

Under this new structure, the Secretariat of the Assembly Branch, the Secretariat of Committees Branch, the Parliamentary Procedure Research Branch and the Legislative Library answer to the Secretary Assistant's Office Responsible for Parliamentary Affairs.

Human Resources, Financial Resources, Material Resources, the Debates, Broadcasting and Publication Branch, the Security Division, Property Management and Restaurant Services, as well as Computer and Support Services are under the Secretary Assistant's Office Responsible for Administrative Affairs.

Within the framework of this administrative shuffle, **Jean Bédard** was appointed director of the Secretariat of the Assembly.

Nancy Ford
National Assembly Secretariat
(Translated by Sylvia Ford)

Committee Activity

Between November 1, 1995 and January 31, 1996, the Committees of the National Assembly held hearings to consider and inquire into matters in a variety of fields, acting either on orders of reference from the Assembly or on their own initiative.

In all, 48 orders of reference or orders of initiative were completed by the committees during the three-month period. During the month of December, as is usually the case at that time of year, the bulk of the work involved the consideration of bills. The committees examined twenty-two bills, including the bill to create the *Agence métropolitaine de transport*, which required the lengthiest examination. The Committee on Planning and Infrastructures devoted seven days to this one bill, designed to provide the Montreal Metropolitan Region with an authority to oversee the development, coordination and promotion of public transportation.

The Committee on Social Affairs examined the bill to amend the Act respecting income security, intended to change the conditions governing the payment of social aid benefits, although the bill was recalled by the Assembly after only three sittings in committee before examination had been completed. Another major piece of legislation, which introduced changes to the terms and conditions for the partial reimbursement of property taxes to agricultural producers, required five days of examination by the Committee on Agriculture, Fisheries and Food before it was returned to the Assembly for the subsequent stages leading to enactment.

Also during this three-month period, the members of the Parliamentary Committees were called upon to hold hearings pursuant to other orders of reference.

For example, the Committee on Culture tabled a report containing 45 recommendations on the future of the Québec television broadcasting authority, (known as Radio-Québec) on December 8, after holding three days of public hearings and several study sessions in November and December 1995.

The Committee on the Budget and Administration heard the Auditor General of Quebec at three different sittings during its consideration of his latest annual report. The Committee on Institutions also devoted two days to examination of the annual report submitted by the Public Protector of Quebec.

For the first time, the Committee on Social Affairs examined the annual reports of the regional health and social services boards, established in 1991, which are required to appear before the Committee once every three years to submit their reports. In addition, the Committee organized a public hearing to examine the operations of the bodies that supervise the sale and consumption of prescription drugs.

The Committee on Labour and the Economy assumed a role seldom assigned to a parliamentary committee when it heard the parties to a labour dispute, in this case the City of Montreal and its blue-collar workers.

Acting on its own initiative, the Committee on Education invited the co-chairs of the Estates General on Education to present the interim report produced following hearings held throughout Quebec, at which the persons most closely associated with the field of education were called upon to make their views known.

Lastly, nine sittings were held during the month of January to scrutinize the financial commitments of the various government departments and bodies.

Doris Arsenault
Coordinator



British Columbia

On February 18, the governing New Democratic Party selected a new leader to replace the departing **Mike Harcourt**. As expected, Employment and Investment Minister, Glen Clark won handily on the first ballot, defeating former Social Services Minister, **Joan Smallwood**, backbencher **Corky Evans**, and two other candidates.

Given that the government is in the fifth year of its mandate, election speculation around the capital is naturally at a fever pitch. The latest date for an election is October, with another possible time being spring. Thus, March may bring the customary reconvening of the House for its spring session or an election campaign.

Following the release of the report by Judge **Thomas Gove** into the state of British Columbia's child protection system, the provincial government has announced that the current Deputy Minister of Education, **Cynthia Morton**, will be appointed to act as a transition commissioner to oversee the implementation of the report's recommendations. It was announced that during her three-year term, she will report directly to the Premier, but her work also will be communicated to an all-party legislative committee.

The term of office for Members' Conflict of Interest Commissioner **Ted Hughes** is complete. In his final

report, he makes a number of recommendations regarding the legislation for which the Commissioner is responsible. These include broadening the scope of the *Members' Conflict of Interest Act* to cover other forms of ethical conduct, so as to enhance public confidence in the integrity of government. As well, Mr. Hughes advocates including senior public servants within the ambit of the legislation, to prevent the possibility of their using their offices for personal gain.

The Public Accounts Committee released a report on public sector accountability and performance. The 217-page report, written in collaboration with the Auditor General and Deputy Ministers' Council, recommends substantial changes to the legislative committee system. In particular, the Committee recommends a realignment of committee mandates to better reflect broad policy sectors. In addition, it recommends that debate on the government's spending estimates take place in standing committees after the passage of the appropriation bill. This is designed to allow committees to meet inter-sessionally, and for members of the committees to focus more extensively on program review and substantive outcomes, rather than simply on fiscal inputs to ministry programs.

The Special Committee to Appoint a Chief Electoral Officer completed its work in December. In its report, it unanimously recommended the appointment of **Robert Patterson** to become the province's first fully independent C.E.O. Mr. Patterson had served as C.E.O. under the previous legislation, and will continue in an acting capacity until the legislature formally votes to approve the committee's recommendation. Under recent changes to the *Election Act*, the C.E.O. has new responsibilities for monitoring political parties' compliance with fi-

nancing and disclosure provisions, as well as responsibility for administering the *Recall and Initiative Act*. The Chief Electoral Officer serves for two general elections plus one year.

The Select Standing Committee on Forests, Energy, Mines and Petroleum Resources completed its examination of the business plan of Forest Renewal BC, a Crown agency established to direct training and investment programs in the forest industry in the province.

Neil Reimer
Committee Clerk

SENATE



Though the Senate sat just nine days from December, when it adjourned on the 15th for the holidays, to February 2nd, when the two year long session was prorogued by the Government, it was an intense period of activity. A dozen bills, some of them of considerable importance, received third reading and were passed. The Government tried again unsuccessfully to secure the passage of its bills on Electoral Boundaries Readjustment and the Pearson International Airport Agreements. The special committee charged with the inquiry into the Pearson Airport presented its final report just two days before adjournment, still enough time to allow for a brief but useful debate. In addition, the Senate passed a resolution recognizing Quebec as a distinct society and, after an intense week of

hearings by another special committee, also passed Bill C-110, dealing with constitutional amendment. Finally, two committees presented reports on subject matter studies that were adopted before the session was prorogued.

Legislation

Of the dozen bills that were passed, two deserve particular attention. Both offer evidence of the quality of debate in the Senate focused on important issues that is rarely appreciated beyond the walls of the chamber. The first is Bill C-103, *An Act to amend the Excise Tax Act and the Income Tax Act*, sent to the Standing Committee of Banking Trade and Commerce in early November and reported back to the Senate December 5, with one amendment. By its title, the bill seemed to be fairly innocuous and unimportant, but it was hardly insignificant as the debate on the reported amendment proved. At issue, on one level, was whether the Government could assert a role in protecting cultural sovereignty by limiting split-run editions of magazines and if so, under what terms and conditions.

Speaking on behalf of the report and the amendment was Senator **Michael Kirby**, the Chairman of the Banking, Trade and Commerce Committee. In a tightly presented case made December 7, the Senator, who is a member of the Government party, sought to persuade his colleagues to accept an amendment to a Government bill that had already been adopted by the House of Commons. The amendment had the effect of exempting *Sports Illustrated* from certain provisions of the law because, as he assessed it, the publisher was being singled out by the fact that the law, once enacted, would be effective from 1993 and not from the date it received Royal Assent, a practice that the Senator

considered to be dangerous and possibly unconstitutional.

Among those who spoke against Senator Kirby's position were Senator **Keith Davey**, a supporter of the Government, and Senator **Lowell Murray**, a prominent member of the Opposition. Rising to speak shortly after Senator Kirby had concluded, Senator Davey briefly recounted the long history of the Government's successful policy to promote the domestic magazine industry that was now being threatened by a loophole created by developments in communications technology. The Senator maintained that failure to pass this law would jeopardize the policy and expose the domestic industry to unfair competition. He further argued that the bill was not retroactive and that the effect of the amendment was to grant *Sports Illustrated* a privileged status under the law. For his part, Senator Murray, speaking December 12, reiterated some of the arguments of Senator Davey and challenged the position taken by Senator Kirby that *Sports Illustrated* deserved the license to publish 12 split runs a year as a form of compensation for the retrospective character of the bill.

In the end, the report on the amendment was easily defeated in a recorded division, 24 to 51, and the bill obtained third reading and passage after a short debate on December 14.

Bill C-110, the measure committing the federal Parliament to recognizing regional vetoes in considering amendments to the Constitution, provoked not only good debate but some spirited debate as well. The two-day second reading debate occurred just before the Christmas adjournment. After Senator **Joyce Fairbairn**, the Leader of the Government, moved second reading and spoke about the Government's objectives in proposing this legislation, other senators

joined the debate with their estimates of the merits or weaknesses of the bill. The debate became more charged when the Senate assessed the report of the special committee that had been struck to review the bill. The report proposed three critical amendments including a sunset provision to lapse the law in 1997. Once Senator **Noel Kinsella**, the Chairman of the Special Committee, had moved the adoption of the report, 18 other Senators participated in the debate over two days. Despite some media speculation about the close outcome of the vote, the results were somewhat anticlimactic. The report was defeated by 48 to 36, and the unamended bill received third reading and was passed almost immediately afterwards.

Motions and Rulings

Two bills that did not receive Royal Assent before prorogation were Bill C-69, the *Electoral Boundaries Readjustment Act*, and Bill C-22, the *Pearson International Airport Agreements Act*. In an attempt to have the Legal and Constitutional Affairs Committee report on them, the Government attempted for a second time to propose a motion fixing a reporting date for the Committee. On December 6, Senator **Alasdair Graham**, the Deputy Leader of the Government, moved two separate motions to have the Committee report these orders of reference by December 13. After the motion respecting Bill C-69 had been proposed, Senator Kinsella, the Opposition Whip, raised a point of order and claimed that since a similar motion had already been defeated, the Government's motion was out of order. To make it acceptable, in the view of the Senator, it would be necessary to rescind the previous decision. Following further debate on the point of order, Speaker **Gildas Molgat** ruled that the motion was in order because the

present motion fixed an entirely different date for the committee's report and, therefore, it was not substantially the same question.

Buoyed by the Speaker's ruling, the Government then proposed a motion to have Legal and Constitutional Affairs report Bill C-22, again by December 13. The following day, December 7, the Senate adopted a motion to vote on the two motions at the end of the day on December 12. In the end, the Government's efforts were for naught. In two separate recorded divisions, the motions were defeated: 44 to 50 (Bill C-69) and 45 - 49 (Bill C-22).

As part of the Government's response to the Quebec referendum, the Senate debated over several days, a motion moved by the Leader of the Government similar to one that had been proposed in the House of Commons recognizing Quebec as a distinct society and affirming that the Senate would be guided by this reality. While members admitted the significance of this resolution, passionate debate seemed to be reserved for Bill C-110. Approval for the resolution was given by the Senate December 14.

Committees

There were several committee reports presented or tabled in December and February. Certainly the report that attracted most of the attention was the final report of the special committee examining the Pearson Airport Agreements. It was presented to the Senate by its Chairman, Senator **Finlay MacDonald**, on December 13.

In keeping with a developing custom in the Senate when dealing with particularly controversial subjects, the final report contained separate majority and minority submissions. The majority report found that the negotiations and signed contracts concluded before the last General

Election to be proper and the claims of the Nixon Report to be virtually without foundation.

The minority report arrived at quite a different conclusion. It determined that the Nixon Report was based on sufficient information to justify its recommendation to cancel the redevelopment contracts. The minority report further contended that the Agreements were contrary to the interests of the taxpayers and the travelling public.

While the Senate witnessed some vigorous debate on the report during the last two days of the session, the Opposition also indicated that the controversy was not yet settled and that the subject would be placed before the Senate again in the new session.

Two other committee reports on non-legislative matters were presented and adopted by the Senate before the end of the session without debate. The first was an assessment made by the Social Affairs, Science and Technology Committee, chaired by Senator **Lorne Bonnell**, of a Special Commission report on restructuring the reserve forces as a component of national defence. The second report, presented by the Senator **Eileen Rossiter**, Chairman of the Committee on Fisheries, examined the current situation of the Atlantic groundfish fishery. In December, Senator **Earl Hastings** resigned as Chairman of Internal Economy Budgets and Administration for health reasons. The new Chairman is Senator **Colin Kenny** who had served previously with the Committee earlier in this Parliament as well as in the last Parliament.

Charles Robert
Office of the Clerk



Ontario

The Ontario Legislature found itself in unusual circumstances in November 1995, drawing the attention of viewers across the country. On November 29, the Minister of Finance, **Ernie Eves** was scheduled to make an economic statement. Many members of the legislature attended a lock up to review the content of the statement in advance of its delivery. The lock up was still in effect at the time the House opened and through Routine Proceedings. During Routine Proceedings, **Dave Johnson**, Chair of Management Board introduced Bill 26, *An Act to achieve Fiscal Savings and to promote Economic Prosperity through Public Sector Restructuring, Streamlining and Efficiency and to implement other aspects of the Government's Economic Agenda*. Bill 26 was an omnibus bill that amended several existing Acts and provided for three new statutes.

The following day, November 30, several members raised points of order with respect to the process of introduction of Bill 26 and its omnibus nature. On December 5, 1995, the Speaker, **Allan K. McLean** gave a detailed ruling on the procedures that had been followed, and the orderliness of an omnibus bill.

The Speaker ruled that there was nothing procedurally wrong with the manner in which Bill 26 had been introduced. In doing so, he pointed out that, while other juris-

dictions have notice requirements for introduction of bills, we in Ontario do not.

As to the omnibus nature of the bill, the Speaker admitted to the House that this matter was of greatest concern to him. He cited several rulings made by other Speakers both in Ontario and in other jurisdictions in which they too had expressed concern over the introduction of omnibus legislation. He concluded however, that it is not within the authority of the Speaker in the absence of clear guidelines or direction from the House to split or disallow omnibus legislation. The Speaker called upon members of the House to "break ground in this area and develop guidelines and policy as to the acceptable form and content of omnibus legislation".

On December 6, after being called in to the House for a division, members of the opposition refused to vote. This was in contravention of Standing Order 28(c) which provides that every member present at the time of a division must vote. The Speaker then began to ask members individually to indicate their vote. The first member, **Bernard Grandmaître** refused, and as established by precedent, the Speaker named him and asked him to withdraw from the Chamber. Mr. Grandmaître complied. The Speaker then followed the same procedure for the next member, **Alvin Curling**. Mr. Curling refused to withdraw from the Chamber and the Sergeant-at-Arms **Thomas Stelling** had to report to the Speaker that force would be necessary to remove the member.

What followed has been widely reported. Mr. Curling remained in his seat surrounded by members of the opposition and refusing to withdraw throughout the night. Finally, at 10:15 a.m. on Thursday, December 7, Mr. Curling withdrew and the House adjourned at 10:20 a.m. until Monday, December 11.

The incident led to discussions between the three House Leaders and an agreement was reached to refer Bill 26 to the Standing Committee on General Government for public hearings and clause-by-clause consideration.

Committees

The new Progressive Conservative Government of the 36th Parliament, with 63 percent of the seats in the Legislature, increased the membership on Standing and Select Committees to 14 members. The new membership of committees preserved the proportional representation of recognized parties in the House.

The Standing Committee on General Government, chaired by Jack Carroll was one of the first committees in the new Parliament to hold public hearings. On the same day as its organizational meeting, November 2, 1995, Bill 8, *Job Quotas Repeal Act, 1995*, was referred to the Standing Committee on General Government.

Public hearings were held in Toronto on Bill 8, during the week of November 16, 1995, with clause-by-clause consideration commencing on the afternoon of November 27, 1995. The Committee completed clause-by-clause consideration of the Bill on November 30, 1995, and reported the Bill as amended to the House that same day.

On December 12, 1995, the omnibus Bill 26, *Savings and Restructuring Act, 1995*, was referred to the Standing Committee on General Government. Under an Order of the House, the Committee was authorized to meet during the winter adjournment to conduct public hearings.

The Committee agreed to divide into two bodies to conduct public hearings throughout the province. The full Committee chaired by Jack Carroll, was reduced to a member-

ship of 6, comprising 4 Progressive Conservative members including the Chair, 1 Liberal member and 1 New Democratic member. This reduced Committee heard deputations on all health related aspects of Bill 26.

The Evidence Sub-committee of the Standing Committee on General Government chaired by Bart Maves (the Vice-Chair of the full committee), comprising 5 Progressive Conservative members including the Chair, 2 Liberal members, and 1 New Democratic member, heard deputations on issues pertaining to all other aspects of Bill 26.

The reduced Committee and the Evidence Sub-committee sat concurrently while holding public hearings in Toronto during the week of December 18, 1995. During the weeks of January 8 and 15, 1996, the Committees conducted public hearings on the road, both Committees travelled to 11 cities throughout Ontario.

Once public hearings were completed the Evidence Sub-committee and the reduced Committee came together and met as the full Standing Committee on General Government. The Committee conducted clause-by-clause during the week of January 22, 1996, and pursuant to a time allocation motion, completed clause-by-clause on January 26, 1996. The amended Bill was reported to the House on January 29, 1996 and was given third reading that same day. In the event that the Committee failed to report the Bill on the date indicated, the Bill was to be deemed reported to, and received by, the House.

The Standing Committee as a whole received over 1000 written exhibits, in excess of 3000 form letters and heard from a little over 400 deputations.

The winter adjournment has been a busy one for all committees with most conducting public hearings,

and others considering matters such as security, retail sales tax and public appointments.

The Standing Committee on Administration of Justice, chaired by Gerry Martiniuk conducted public hearings on Bill 19, *Advocacy, Consent and Substitute Decisions Statute Law Amendment Act, 1995*. The committee travelled throughout the province and had extensive hearings at Queen's Park.

The Standing Committee on Resources Development, chaired by Steve Gilchrist conducted hearings on Bill 20, *Land Use Planning and Protection Act, 1995*. Prior to the winter adjournment, the Standing Committee on Resources Development also conducted public hearings on Bill 15, *Workers' Compensation and Occupational Health and Safety Amendment Act, 1995*.

The Standing Committee on Finance and Economic Affairs, chaired by Ted Chudleigh conducted its annual Pre-Budget hearings, and conducted public hearings on the draft proposal for Auto Insurance Reform.

The Standing Committee on the Legislative Assembly, chaired by Ted Arnott met to study the issue of Security in Legislative precinct, in the wake of concerns raised by members in the House over the events of opening day. The Sub-committee was assisted in its deliberations by visits to both Quebec City and Ottawa, where they were well briefed on security issues.

The Standing Committees on Estimates, Government Agencies, Public Accounts and the Ombudsman also met in accordance with their terms of reference as outlined in the Standing Orders.

Deborah Deller
Clerk Assistant and
Clerk of Committees