
Legislative Reports



Manitoba

The Second Session of the Thirty-Sixth Legislature reconvened on April 2, 1996 with the presentation of the Budget for 1996-97 and the adoption of the new Provisional Rules of the Legislative Assembly through concurrence of a report by the Standing Committee on Rules of the House.

The 1996-97 Budget presented by the Minister of Finance, Eric Stefanson, was the 9th budget of the Filmon Government. The budget debate, held over the usual eight days, essentially revolved around two differing perspectives on budget choices. With its Balanced Budget legislation, the Government is committed to ensuring that it not only balances its budget each year, but that surplus monies should be used to help retire the debt and be saved for unforeseen expenditures. The Official Opposition (NDP), however, is critical of reductions in government programs when it has a surplus which they believe can help the more vulnerable in society. The Official Opposition moved an

amendment to the budget motion declaring lack of confidence of the House in the Government. Another amendment was moved by the independent Liberal Member, Kevin Lamoureux, which also indicated a lack of confidence in the Government. On the eighth day of debate, both the sub-amendment and amendment were put to a vote and subsequently defeated. The main motion was carried on a recorded division.

Provisional Rules

The First Report of the Standing Committee on Rules of the House implemented provisional changes to the Rules of the Assembly as outlined in a *Memorandum of Understanding* agreed to last December by the three parties represented in the House. The Committee had met twice in February to consider and finalize provisional rules that had been prepared by the Clerk's Office. The provisional rules will be in effect until November 30, 1996 at which time there will be an assessment of them. These provisional changes represent the most significant amendment to the Rules of the House in over a decade.

A sessional calendar has been established which includes twelve weeks for a Spring sitting to conclude no later than the second Thursday in June and up to eight weeks for a Fall sitting to conclude no later than the last Thursday in November. The purpose of the Spring sittings essentially is to deal with the Throne Speech, the budget, detailed estimates and all related fi-

nancial bills. As well, government legislation is to be introduced and to be moved for second reading by the conclusion of the Spring sittings. The purpose of the Fall sittings is to complete consideration of legislation and pass all bills through to 3rd Reading by the end of the Session.

The House will no longer sit on Fridays, except during the Throne and Budget speech debates. Fridays will be "Committee Days". During the Spring sittings, the Committee of Supply will sit on Fridays and during the Fall, standing committee meetings may be scheduled on Fridays.

Non-political statements have been eliminated, however, Members' Statements have been adopted. Each day, after Oral Questions, up to 5 Members may make a statement, for up to 2 minutes, on any subject matter.

Speaking times have been changed. During general debate, the time has been reduced from 40 to 30 minutes and for regular speeches during Supply, it has been reduced from 30 to 10 minutes.

A new feature, "Opposition Days", has been introduced in Manitoba. A sitting day may be designated as an Opposition Day, no more than 3 times during a Session. The Opposition will file a motion for debate, at least 2 sitting days before the motion may be considered. The Government House Leader, after consultation with the Opposition, will designate the Opposition days.

The proposed changes to Private Members' Business (PMB) [similar to House of Commons practices] were not agreed to by the commit-

tee. It is expected that the proposed changes will be revisited at a future date. The hours for PMB, however, did change, largely for the Spring sittings, with PMB being held on Thursday mornings from 10 am to 12 pm. During Fall sittings, PMB will be considered from 4:30 to 5:30 pm, Monday to Thursday, inclusive.

Overall, the rule changes have been welcomed by Members and regarded as enhancing the functioning of the Legislature. The conclusion of the Session will bring a more complete review of the effectiveness of the changes.

Procedure

On November 1, 1995, following a ruling by Speaker **Louise Dacquay** that the word "racist" was unparliamentary, the Opposition House Leader, **Steve Ashton** raised a matter of privilege regarding the status of the freedom of speech for Members in the Legislature. On April 9, 1996, Speaker Dacquay ruled that there was no *prima facie* case of privilege. She stated that the parliamentary tradition of freedom of speech is the ability of Members to speak as they wish, free from interference from outside bodies or agencies but "it does not guarantee Members the right to say absolutely anything they want in the House. The House, through the Speaker, can impose limits or rules...[I]n those rare cases where language impinges on the dignity, decorum or the sensibilities of the House, the Speaker does have the authority to request the withdrawal of unparliamentary language." The ruling was challenged but sustained on a record vote.

On April 15, 1996, **David Chomiak** (NDP) moved a motion of urgent public importance being that of "the threat to the health care system posed by the Government's plans to privatize home care serv-

ices". Speaker Dacquay ruled the motion out of order because the Member would have other opportunities to discuss the issue, including departmental estimates, grievances and Members' statements prior to the date that the contracting out of some home care services would be expected to begin.

On April 16, 1996, Mr. Chomiak moved another motion of urgent public importance concerning the "Home Care Workers dispute". Speaker Dacquay ruled the motion out of order as it was not the same as the one the Member had filed, as notice, prior to the House sitting. Following that, Mr. Lamoureux moved a motion of urgent public importance concerning the "strike by home care service workers". Speaker Dacquay ruled that motion out of order because there would be other opportunities for debate during health estimates that were beginning that day, grievances and Members' Statements.

Assembly Staff

A new Ombudsman was selected by the Standing Committee on Privileges and Elections. The previous Deputy Ombudsman, **Barry Tuckett**, who had been acting Ombudsman for close to 2 years, was appointed to the permanent position. **Carol Bellringer** resigned from the position of Provincial Auditor as of March 1996 and is currently employed as the Auditor for the City of Winnipeg. **Warren Johnson**, the previous Assistant Auditor, is now the Acting Provincial Auditor.

Judy White
Clerk Assistant

Manitoba Legislative Assembly

SENATE



On February 27, 1996, the Governor General of Canada gave the Speech from the Throne in the Senate Chamber to open the Second Session of the Thirty-Fifth Parliament. Just prior to prorogation of the First Session, the Liberals had obtained a plurality of members in the Upper House, though the Progressive Conservatives retained a majority of members on all committees until the end of the session. The overall party standings were Liberal-51, Progressive Conservatives-50, and Independents-3.

At the beginning of the new Session, the Committee of Selection was appointed with five Liberal and 4 Conservative members. This majority insured that Senate committees would have a majority of Liberal members, despite the near equality of the two parties in the Senate itself. Indeed, when the Selection Committee reported, standing committees with twelve members were comprised of seven Liberals and five Progressive Conservatives, while the two committees with fifteen members had nine Liberal and six Conservative members.

However, in keeping with recent practice, members of the Official Opposition were elected to the Chairs of several committees. Thus, Agriculture and Forestry; Energy, Environment and Natural Resources; Fisheries; National Finance; and Social Affairs, Science

and Technology are each chaired by a Conservative senator. The remaining standing committees, Aboriginal Peoples; Banking, Trade and Commerce; Foreign Affairs; Internal Economy, Budgets and Administration; Legal and Constitutional Affairs; and Transport and Communications, have Liberal Chairs.

The beginning of a new session is usually a relatively quiet time in the Senate, as the upper chamber awaits the arrival of legislation from the House of Commons. However, a motion in the House allowing for the reinstatement of bills at the same stage at which they stood at the time of prorogation meant that a number of bills made their way quickly into the Senate and into committee.

Committee Business

Three committees have been particularly active. The Standing Senate Committee on Legal and Constitutional Affairs, chaired by Senator **Sharon Carstairs**, has focused its attention on two bills, both of which have generated significant public and media interest.

Bill C-8, the *Controlled Drugs and Substances Act*, was introduced in the First Session as Bill C-7. The Committee had referred to it the papers and evidence that it had received in its consideration of Bill C-7 at the end of the First Session, then continued its study of this complex and controversial piece of legislation. Analysis of written submissions, as well as testimony from a wide range of interests, including federal government officials, lawyers, doctors, those interested in natural/herbal remedies, aboriginal peoples, drug counsellors, former drug addicts, representatives of municipal governments, and industrial hemp advocates, led the Committee to consider several amendments.

Another important bill considered by the Committee was Bill S-2, *An Act to amend the Canadian Human Rights Act (sexual orientation)*, introduced by Senator **Noel Kinsella**. The *Canadian Human Rights Act* prohibits discrimination on a number of listed grounds in two main areas, employment and the provision of goods and services, and it applies to federally-regulated employers and service providers. Senator Kinsella's bill would ensure that the Act expressly prohibit discrimination on the basis of sexual orientation. Senator Kinsella had introduced the same bill, then known as Bill S-15, in the Third Session of the Thirty-Fourth Parliament, and it was passed by the Senate and sent to the House of Commons, where it died on the Order Paper when Parliament was dissolved for the general election of 1993.

The hearings on Bill S-2 generated a great deal of interest, and there was standing room only as the Committee heard from witnesses with a wide range of opinions on the legislation. After some intense debate with several witnesses, the Committee unanimously agreed to pass the legislation without amendment. The Committee reported the Bill to the Senate, and it was passed, on division, and sent to the House of Commons for consideration.

Another committee which has kept busy, not only since the beginning of the Second Session, but also between the First and Second Sessions, has been the Senate Banking, Trade and Commerce Committee chaired by **Michael Kirby**. In April 1996, the Committee tabled its report on the mandates of Crown financial institutions, that is, on seven federal agencies which offer assistance to business, both domestic and export-oriented. The seven agencies reviewed were the Export Development Corporation (EDC), the Canadian Commercial Corpora-

tion (CCC), the Business Development Bank of Canada (BDBC), the Farm Credit Corporation (FCC), the Atlantic Canada Opportunities Agency, the Federal Office of Regional Development (Quebec) and Western Economic Diversification.

The report recommended that a single integrated corporate structure be adopted for Crown financial institutions, resulting from the merger of the EDC and the CCC on the one hand and the merger of the BDBC and FCC on the other. It also recommended that the functions and the funds of the regional agencies be absorbed into the single structure.

Members of the Banking Committee took advantage of the recent intersessional period to constitute themselves into a Task Force and to travel to Calgary, Winnipeg, Halifax, Montreal and Toronto to get the views of business leaders on corporate governance. The senators hope to publish their conclusions and recommendations by the early summer.

The Senate Foreign Affairs Committee, having completed its consideration of the outlook for expanding free trade in the Americas and tabled its report in July 1995, began consideration of the "consequences of the economic integration of the European Union for the national governance of the member states, and on the consequences of the European Union for economic, political and defence relations between Canada and Europe."

After hearing testimony from experts and senior officials, eight members of the Committee went to Europe on a fact-finding mission from March 16 to 30, 1996 in order to complete their work.

The Committee travelled to London, Dublin, Bonn, Frankfurt and Paris, and then divided into two groups for travel to Brussels and Warsaw. In each of these cities,

members of the Committee exchanged views with parliamentarians, members of the government, senior officials, business persons, and other personalities such as Jacques Delors, former President of the EU Commission, Sir Leon Brittan, EU Trade Commissioner, Mr. Dariusz Rosati, Poland Foreign Minister and Dr. Karl-Otto Pöhl, former President of the Bundesbank.

The visit was timely. At the end of March, after the opening of the Intergovernmental Conference among its member countries, the EU was beginning a review of its institutional operations in order to introduce a single currency, to expand the EU to include other countries, and to develop common European foreign and defence policies. An Action Plan has been agreed to by Canada and the EU for optimum development of future relations. The Committee's mission made it possible to assess support among various groups in each country for a single currency, EU expansion, mainstays of European social policy, and common European foreign and defence policies.

In its report, to be tabled at the end of June, the Committee will evaluate the consequences of these developments for Canada's foreign and trade policies, and propose to the Government ways to adapt Canadian policies to anticipated changes.

There have been several thoughtful debates in the Senate, including one on the state of the coal mining industry in Cape Breton. Indeed, the commentary by Senators Lowell Murray and Allan MacEachen resulted in the establishment of a special committee of the Senate to examine and report upon the annual report and corporate plan of the Cape Breton Development Corporation. The Committee is to report by no later than June 15, 1996.

Information about Senate committees, including proceedings and some reports are now available on the Internet at: <http://www.magi.com/~sencom>.

Heather Lank
Committees Directorate



Northwest Territories

Members of the Thirteenth Assembly, including a record number of first term MLAs, convened in Yellowknife November 20 and 21, 1995 for a Territorial Leadership Committee meeting following the October 16 General Election.

Election of the Speaker was the first item on the agenda. Sam Gagan, Dean of the Legislative Assembly, was re-elected as Speaker. Don Morin, an eight-year veteran MLA, was chosen as the Northwest Territories new Premier. Mr. Morin's lone challenger was rookie Jane Groenewegen.

Five veteran MLAs were elected to Cabinet along with one relative newcomer and one first term Member Goo Arlooktoo.

Premier Morin's first order of business was assigning portfolios. He retained control of Economic Development and Tourism and Energy, Mines and Petroleum Resources. Goo Arlooktoo was chosen as Deputy Premier and given responsibility for Public Works and Services. John Todd was named Finance Minister, Kelvin Ng was named Minister of Health and Social Services and the NWT Housing

Corporation, Stephen Kakfwi was appointed Minister of Justice, National Constitutional Affairs and Renewable Resources. Jim Antoine was named Transportation, Safety and Public Services and Intergovernmental and Aboriginal Affairs Minister while Charles Dent was appointed Minister of Education, Culture and Employment and Minister Responsible for the N.W.T. Power Corporation. Manito Thompson was named Minister of Municipal and Community Affairs and Minister Responsible for the Women's Directorate.

Members returned to Yellowknife in December where they heard from the Finance Minister that coupled with previous years' deficits and a \$60 million cut in federal funding, the NWT's accumulated debt could climb to \$150 million by the end of the 1996-97 fiscal year. He also announced the release of the 1996-97 territorial budget would be delayed until the spring to give the government and new MLAs time to come up with a financial workplan to eliminate the deficit and still meet the needs of Northerners.

Mr. Morin said that during the October 1995 election campaign Members heard from their constituents that they have to change the way they do business and that is what the Government would do. He said the Government and aboriginal groups in the NWT have to work together on new forms of government while still recognizing the inherent right to aboriginal self-government. Mr. Morin said Northerners want the Government to balance its budget so that when the NWT divides into two new territories in 1999 that two debt-ridden government will not be created. He also said the Government has to address the social problems and substantially improve the economic

conditions in the Northwest Territories.

After a Christmas break Members again gathered in Yellowknife for a round of committee meetings in preparation for a short February session of the Assembly.

The most controversial issue in the Second Session was the passage of amendments to the *Public Services Act* which allowed the government to increase the number of excluded employees but in return gave union workers the right to strike.

Several MLAs tabled petitions from constituents protesting the passage of the amendments but the changes were approved by a majority of Members.

Members were back in the Assembly in March where the government announced wage rollbacks for senior managers and excluded employees and several layoffs, all part of the government's plan to get its financial house in order. MLAs also approved a seven per cent reduction in their own base salaries and reduced the benefits available through their Supplementary Pension Plan.

A cabinet portfolio shuffle was also announced including the movement of Kelvin Ng to Justice and Stephen Kakfwi taking over an amalgamated department that included Renewable Resources, Economic Development and Tourism and Energy, Mines and Petroleum Resources.

MLAs are currently preparing to reconvene the Third Session of the Legislative Assembly where the 1996-97 Capital and Operating and Maintenance Budgets will be introduced and debated. The government will also introduce, for the first time ever, a *Budget Measures Implementation Act*. This Act will allow the government to amend several Acts and repeal two others to help meet their financial targets.

Premier Morin also unveiled *Building a Foundation for the Future: The Northwest Territories' Agenda for Change*. This document outlines the government and Legislative Assembly's goals and priorities in changing the way it does business.

Legislation

Several bills have received passage since the new Legislative Assembly took office last November. Among them:

- *Interim Appropriation Act*: authorizes the government to make interim appropriations for the period of April 1 to June 30.
- *Write-Off of Debts Act 1995-96*: authorizes the write-off of debts under section 24 of the *Financial Administration Act*.
- *Forgiveness of Debts Act 1995-96*: authorizes the forgiveness of debts under section 25 of the *Financial Administration Act*.
- *Supplementary Appropriation Act No. 3, 1995-96*: makes supplementary appropriations for the government for the fiscal year ending March 31, 1996.
- *Legislative Assembly and Executive Council Act*: decreases the amount of the indemnities payable to Members of the Legislative Assembly and to eliminate cost of living increases in respect of indemnities.

Committees

Along with the new faces in the Thirteenth Assembly of the Northwest Territories a new committee structure has also been adopted. That structure is outlined in a story that appears elsewhere in this issue of the *Canadian Parliamentary Review*.

Ronna Bremer
Public Relations Officer
NWT Legislative Assembly



Saskatchewan

The inaugural session of the 23rd Legislature opened on February 29, 1995, with Lieutenant Governor John Wiebe announcing a "quiet revolution" of fundamental changes to education, health care, municipal government and welfare programs.

Highlights of the proposed legislative calendar include: restructuring the province's 846 local governments, revising the municipal tax assessment system, devising a province-wide 9-1-1 emergency service and introducing restrictions on private health facilities. Also outlined were tougher child support enforcement laws and the establishment of a trade and export corporation. University administration costs are to be cut in addition to "wide ranging reforms to our education and training programs". Agricultural initiatives centered upon revising the crop insurance program and the provision of \$200 million over four years for agricultural research. The recommendations of last year's legislative committee on Driving Safety for stiffer drunk driving penalties and new rules for new drivers are also to be addressed.

Opposition Leader Ron Osika criticized the speech, stating that it failed to present any initiatives to address the province's economic problems. He argued that the ab-

sence of tax relief would adversely affect job creation and economic activity. PC Leader **Bill Boyd** made similar claims and feared a "noisy and boisterous revolution" – not the government's "quiet revolution" – if the educational and local government reforms repeated the experience with health reform. Both opposition parties also believed that rural Saskatchewan was being ignored by the government.

Budget

Finance Minister **Janice Mackinnon** delivered her second successive balanced budget on March 28th. The budget contained a four-year plan to safeguard health, education and social services by providing \$110 million in new provincial funding to replace federal cuts in 1996-97 and to replace 96% of the \$252 million federal cuts to these core services during the period of 1999 to 2000. Also provided in the Budget was a plan for four consecutive balanced budgets, no tax increases for individuals, families or small business and a plan to reduce the provincial debt by \$2.4 million from 1994 to 2000. The Minister did announce the elimination of 544 government jobs, a \$10 million reduction in post-secondary funding and a \$20 million reduction to municipal governments.

Mr. Osika accused the government of tricking the public, the universities, the schools and the hospitals into thinking that the budget would be much worse, knowing "just as we've [the Official Opposition] been saying for months, the federal cutbacks just are not going to have a significant impact on our province". Mr. Boyd noted that the budget contained nothing in the area of job creation but acknowledged its conservative fiscal tone.

Committees

The start of the new legislature permitted the establishment of the standing committees after a hiatus of nine months. **Pat Lorje** (NDP, Saskatoon Southeast) was elected chair of the Crown Corporations Committee while **Rod Gantefer** (Liberal, Melfort-Tisdale) has assumed responsibility for the Public Accounts Committee. The Standing Committee on Private Members' Bills chaired by **Lloyd Johnson** (NDP, Shellbrook-Spiritwood) considered five private bills, including one for which the notice requirements were waived.

Election of Presiding Officers

Dale Flavel (Last Mountain - Touchwood) has assumed Deputy Speaker and Chair of Committees of the Whole responsibilities following his election on March 1st under the new secret ballot rules. **Kim Trew** (Regina Coronation Park) is the new Deputy Chair of Committees of the Whole.

Other Matters

On March 25th, the inaugural presentation of the Saskatchewan Volunteer Medal to six recipients occurred during the daily proceedings in the Assembly. Saskatchewan has one of the highest rates of voluntarism in Canada and the honour, established in 1995, was designed to recognize outstanding volunteer service or exceptional community involvement.

Following the lead of New Brunswick in 1995, Saskatchewan became the second jurisdiction to acknowledge the contribution and role of military reservists with the declaration of April 15th as Reserve Force Day. A special ceremony held at the Legislative Assembly was attended by representatives of the naval, air and communications reserves, the

militia and the cadet instructors cadre from around the province along with members of the Canadian Forces Liaison Council.

Margaret A. Woods
Clerk Assistant



On March 12, 1996 the Quebec National Assembly resumed its proceedings, which had adjourned on December 15, 1995. This sitting was mainly devoted to welcoming the Member for Jonquière and new Prime Minister, **Lucien Bouchard**, and the Member for La Prairie, **Monique Simard**, who were returned in the by-elections held last February.

Members then proceeded to the election of the Speaker and Deputy Speaker of the National Assembly. **Jean-Pierre Charbonneau** was elected Speaker, replacing **Roger Bertrand**, who is now Minister of Revenue. **Claude Pinard** was elected Deputy Speaker. He holds the office left vacant by the appointment of **Pierre Bélanger** to the Executive Council.

During his acceptance speech, the new Speaker invited Members to conduct proceedings with dignity and magnanimity. "We must combine our efforts in order that decorum, the quality of debates and mutual respect may henceforth characterize one of the oldest Parliaments in the world".

On the day following the resumption of proceedings, the Lieutenant-Governor, **Martial Asselin**, prorogued the First Session of the

Thirty-fifth Legislature and summoned Members for a new session on March 25, 1996. On this occasion, the Prime Minister reaffirmed, in his opening speech, the objective of his Government to bring the deficit down to zero within four years. He announced the creation of a universal drug insurance plan, a new unified family allowance, a modified pension plan, an act respecting pay equity, and a reform of the taxation, legal aid and welfare structures. He also indicated the governmental intention to reduce regulation in the private sector and to bring about various administrative reforms, amongst others regarding dual remuneration of public officials, the code of ethics of public administrators and the practice of lobbying.

On March 27, 1996, the Minister of Finance, **Bernard Landry**, tabled the estimates for 1996-97. These estimates total 41 billion dollars, of which 35.1 billion are set aside for programmes, which is 3% less than last year, and 5.9 billion dollars for the debt service. The result is a decrease of 1.1 billion dollars in Government expenditures. Among the cutbacks, is the amount allocated for reimbursement of foreign hospital expenses, as well as grants to private schools. Grants to companies will be abolished, along with the housing allowance given to certain social assistance recipients. The closing of certain prisons and of several Quebec delegations in foreign countries is also anticipated.

Each Ministry will be asked to join in a collective effort to redress the public finances, including the National Assembly whose estimates will undergo a decrease of 3.5 million dollars, thus passing from \$72,148,700 to \$68,629,200. Personnel will be downsized by 29 positions and overtime costs will be cut by 50%.

Following adoption of these estimates by the Office of the Assembly,

Speaker Charbonneau insisted on meeting the members of the personnel of the Assembly as a group to explain the current state of expenses, the objectives imposed by the situation and the proposed plan of action.

Among the proposed measures, the Speaker mentioned the reduction of the opening hours of the restaurants, the rearrangement of working hours and the rationalization of expenses relate to interparliamentary relations. Furthermore, he introduced the tabling of mission reports in the Assembly by participating Members.

The political events distinguishing this beginning of session include the resignation of the Liberal Member for Outremont, **Gérald Tremblay** and the decision by the Member for Iberville, **Richard Le Hir**, to sit as an Independent.

The seats at the National Assembly are now: Parti Québécois-74, Quebec Liberal Party-46, Independent Members-3 and 2 vacant seats.

Translated by **Sylvia Ford**
Secretariat of the Assembly

Committee Activity

Quebec's parliamentary committees have been very active in recent months with work undertaken on orders of reference from the National Assembly and with mandates undertaken on their own initiative.

In December 1995, before adjourning for the winter break, the National Assembly referred 7 mandates for public consultation to the committees, including 4 to the Committee on Institutions. Public hearings were held on the *Act Respecting Semi-Public Companies in the Municipal Sector* (5 sittings and almost 25 hours of hearings), the *Act Respecting Pay Equity* (5 sittings and 27 hours of hearings), the *Act Respect-*

ing Administrative Justice (6 sittings and 32 hours of hearings), the *Act to Amend the Act Respecting the Ministère du Conseil exécutif as regards to Standards of Ethics and Professional Conduct* (2 sittings and 11 hours of hearings), and Bill 133, *An Act to Amend the Charter of Human Rights and Freedoms and other Legislative Provisions* (3 sittings and 14 hours of hearings). Two other mandates for public consultations were also referred to committees in December, and will be exercised shortly. One concerns the *Securities Act*, and the other amendments to the *Election Act*.

As is normally the case in April, the National Assembly mandated its committees to examine the budget estimates submitted for approval by the Government. The eight parliamentary committees sat for a total of almost 200 hours to examine and adopt the estimates relating to their respective policy fields.

A number of activities in recent months related to mandates undertaken on each committee's own initiative to monitor the Government's administration. The Committee on Agriculture, Fisheries and Food, under the scope of the *Act Respecting the Accountability of Deputy Ministers and Chief Executive Officers of Public Bodies*, heard the Deputy Minister of Agriculture, Fisheries and Food and the chief executive officers of five agencies working in its policy field. The same committee also undertook a supervisory mandate, under section 294 of the National Assembly's Standing Orders, to examine the orientation, activities and management of Quebec's farm insurance board.

The Committee on Social Affairs held a series of consultations as part of a mandate, undertaken on its own initiative, to study the use of prescription drugs in Quebec. Pur-

suant to the *Act Respecting Accountability*, the Committee on the Budget and Administration heard the Deputy Minister of Revenue. The Committee on Education heard from university officials. The Auditor General was closely involved in all mandates carried out under the *Act Respecting Accountability*.

The Committee on Education also undertook mandates to examine the operation of Quebec's advisory board on private education, and the board of appeal for cases involving the language of instruction, besides holding private consultations as part of its work to examine new technologies in the field of education.

The committees also undertook other mandates on their own initiative or under the Standing Orders. This work included the examination of financial commitments (all spending by a government department or agency in excess of \$25,000 is examined by the relevant committee), the examination of Hydro-Quebec's annual reports (by the Committee on Labour and the Economy), and preparatory work for mandates of initiative. The Committee on Culture, for example, sat during 9 hours to prepare a document to be used in early fall as the basis for a public consultation on the information highway.

Eight elections were held to assign committee chairs and vice-chairs, following changes in committee membership made necessary by a cabinet shuffle and the resignation of two Members.

Only two public bills were examined by Committees during this period, namely Bill 124, *An Act to Amend Various Legislative Provisions to further the implementation of the Act Respecting Municipal Territorial Organization*, and Bill 118, *An Act Amending the Act Respecting Government Services to Departments and Public Bodies*. However, over the

coming months, the examination of public bills will once again constitute the committee's main objective.

Robert Jolicoeur
Committee Secretariat



Ontario

The Ontario Legislature has witnessed several noteworthy events in the last three months.

Bob Rae, the leader of the third party, and former Premier, has resigned. **Bud Wildman** is acting as the interim leader for the New Democratic Party.

Thomas Stelling, the Sergeant-at-Arms for almost 20 years, has also retired. When appointed, in 1976, he was 30 years old and the youngest Sergeant-at-Arms in the Commonwealth. The duties associated with his job will be split into two positions. The new Sergeant-at-Arms will plan, develop and direct a comprehensive security program and be responsible for all parliamentary ceremonial and House protocol activities. The new position, Chief of Security, will report to the Sergeant-at-Arms and ultimately the Speaker. This position carries the responsibility of establishing and directing a new Legislative Security Service.

Finally, Bill 42, *An Act to reform MPP's pensions, to eliminate tax-free allowances and to adjust MPP's compensation levels*, received royal assent. As the title suggests, this bill

converted the MPP's pension plan into one more common in the private sector, removed tax-free allowances, and created a base salary of \$78,007.

Committee Activity

Several committees also dealt with significant issues in the last couple of months. The Standing Committee on the Administration of Justice, chaired by **Gerry Martiniuk** conducted clause-by-clause consideration of Bill 19, *Advocacy Consent and Substitute Decisions Statute Law Amendment Act*, and shortly thereafter reported the bill, as amended, to the House.

The Committee also commenced hearings on the closure of halfway houses and the introduction of electronic monitoring. These hearings were atypical because, for the first time in committees, video conferencing was used. The Committee utilized this technology to reduce the cost associated with having a witness brought to present before the committee. The video conference was effective, thereby earning the committee's approval of this method of interviewing witnesses under certain circumstances.

The Standing Committee on the Legislative Assembly, chaired by **Ted Arnott** presented a report on *Security in the Legislative Precincts*. The committee undertook this issue in response to the concerns raised by members about opening day demonstrations. The recommendations contained in the report strove to maintain a balance between the need to ensure accessibility to the public and the safety and security of the Legislative Building. One of the key recommendations advocates the creation of a restructured Legislative Security Service. The report was debated in the House and adopted.

The Legislative Assembly Committee also considered a private members bill, introduced by **Dominic Agostino** entitled *The Legislative Assembly Oath of Allegiance Act*. This bill provides for MPPs to take an Oath to Canada as well as an Oath to the Queen. At this time, no other Canadian Legislature has an Oath to Canada. The Committee reported the bill back to the House.

The Standing Committee on Social Development, chaired by **Richard Patten** held simultaneous hearings on Bill 30, *Education Quality and Accountability Office Act*, and Bill 31, *Ontario College of Teachers Act*. Six days of public hearings were conducted in Toronto and clause-by-clause consideration of the bills took place at the end of April. In May, the Committee will continue its education motif with the consideration of Bill 34, *Education Amendment Act*.

The Standing Committee on Public Accounts, chaired by **Dalton McGuinty** held hearings on the 1995 Annual report of the Provincial Auditor. Hearings were conducted on the sections pertaining to the Evasion of Retail Sales Tax, section 3.07, and the Ontario Board of Parole, section 3.18. The Committee will table a report to the House on section 3.07 in the next couple of weeks.

The Standing Committee on Estimates, chaired by **Alvin Curling** was given permission to meet during the winter recess to review the estimates. It is unusual for the Estimates Committee to meet during the recess but in this instance it was necessary since the Estimates were not tabled until the fall. Typically the Estimates are tabled in the spring. The Committee finished its review and presented its report in the House in March.

The Standing Committee on Government Agencies, chaired by **Floyd Laughren** reviewed several public

appointments and began a review of the Social Assistance Review Board and Ontario Northland.

The Standing Committee on Finance and Economic Affairs, chaired by **Ted Chudleigh** held hearings in February on the 1996 Pre-budget Consultations and the Draft Legislation on Auto Insurance. Each set of hearings lasted for two weeks, and during the final week on the Auto Insurance hearings the Committee travelled to Ottawa, London, Thunder Bay, and Sault Ste. Marie. Only once before has the government had hearings on draft legislation. The first time was in October 1993, when the Resources Development Committee considered graduated licensing. The Finance Committee presented its reports on both issues in April.

The Standing Committee on Resources Development, chaired by **Steve Gilchrist** held hearings on Bill 20, *Land Use Planning and Protection Act*. The Committee had ten days of hearings; five of which were in Toronto and the remainder were divided among Sudbury, Ottawa, Coburg, Hamilton, and London. After two days of clause-by-clause consideration the Committee reported the bill as amended.

Tom Prins
Administrative Assistant

House of Commons



The Second Session of the 35th Parliament opened with the

Speech from the Throne on Tuesday, February 27, 1996.

Procedure

When the Prime Minister moved the usual motions to elect a Deputy Chairman and an Assistant Deputy Chairman of Committees of the Whole House, several members of the Opposition rose on debate to argue that at least one Chair Officer should be chosen from their side of the House. The Reform Party also objected to the candidacy of **Pierrette Ringuette-Maltais** as Assistant Deputy Chairman. Following recorded divisions on both motions, **Bob Kilger** was elected Deputy Chairman (he had been the Assistant Deputy Chairman in the first session) and Mrs. Ringuette-Maltais was elected Assistant Deputy Chairman. A question of privilege was raised the next day when a Reform Party Member alleged that a press release dated February 26 from the Prime Minister's office stated that the Prime Minister appointed the two Chair Officers. The Speaker replied that since a clarification had been issued within 24 hours, the matter was closed.

On February 27 the Speaker, **Gilbert Parent**, made a statement regarding the point of order raised by **Ray Speaker** on December 14, 1995, in which the Speaker had been asked to recognize the Reform Party as the Official Opposition. The Speaker noted that although prorogation brings an end to any point of order, the recent equality of seats between the two parties had created a new context. The Speaker emphasized that his role was to ensure that the business of the House was conducted in accordance with the rules and practice. He then carefully reviewed previous cases from other parliaments and concluded that the Bloc Québécois would retain the status of Official Opposition until a

further review of its status was warranted. Furthermore, the Speaker noted that there were no statutory authority, rules or guidelines that could be used if the Chair were required to determine which party should be the Official Opposition. Following the March 25 by-election to replace Lucien Bouchard, the Bloc Québécois again had the greater number of seats.

Also on February 27, Don Boudria put a motion on the Notice Paper which accused Ray Speaker of attempting to put pressure on the Speaker to recognize the Reform Party as the Official Opposition. The motion further declared that this constituted a contempt of parliament and ordered that Mr. Speaker be admonished by the Chair at the bar of the House. The motion was placed on the Order Paper under Private Members' Business and was subsequently chosen for debate in a random draw. The Standing Committee on Procedure and House Affairs did not, however, select the motion to come to a vote. On May 9, the day before the motion would, in accordance with the order of precedence for Private Members' Business, be called for debate, Mr. Speaker raised a point of order in the House to question whether a motion which was not votable could be used to make a charge against another Member. The Acting Speaker informed the House that the motion would not be called the next day because Mr. Boudria could not be present, and that in the meantime the Chair would consider Mr. Speaker's point of order.

A special Order Paper had been published prior to the opening of the session to enable the Government to move on the first day of the session a motion allowing bills introduced, but not disposed of, in the previous session to be reinstated at the stage after first reading that they

had reached on prorogation. For the first time, private Members' bills as well as Government bills could be reinstated. The motion also provided for the extension of the supply period, but it was the novel way of dealing with the reinstatement of uncompleted legislation that led to a point of order being raised. The Deputy Speaker, David Kilgour, ruled on February 29 that the motion was procedurally acceptable, and it was subsequently adopted on March 4, but only after the Government had invoked closure.

Reinstated bills had to be introduced within the first 30 sitting days of the Second Session, i.e. no later than April 22. A total of 14 Government bills and 11 private Members' bills were reinstated. Two of the reinstated Government bills, one respecting drug control and the other respecting Pearson International Airport, both of which were in the Senate when Parliament was prorogued, were deemed to have been adopted at all stages and sent directly to the Upper House.

Privilege

On March 12 Jim Hart rose on a question of privilege to accuse the Official Opposition defence critic, Jean-Marc Jacob, of contempt of Parliament for having issued a communiqué concerning the establishment of a military force in an independent Quebec. Mr. Hart felt that the communiqué, which had been released on the letterhead of the Leader of the Opposition just before the October 1995 referendum in Quebec, was "seditious". After hearing the views of several members from both sides of the House, the Speaker decided to suspend the sitting to consider the question immediately because of the seriousness of the accusation. When he returned to the House, the Speaker ruled that the charge was so grave

that its timeliness was not at issue, and he invited Mr. Hart to put his motion to the House. A Government amendment to Mr. Hart's motion removed the charge of sedition and referred the "matter of the communiqué" to the Standing Committee on Procedure and House Affairs. The Committee began its consideration of this question of privilege after the Easter adjournment by hearing the Clerk of the House, Robert Marleau, and the General Legal Counsel, Diane Davidson, on the nature of privilege and the powers of the House to discipline its members. The Committee's consideration is ongoing.

On April 24 John Williams raised a question of privilege based on a newspaper article that quoted an unnamed official in the office of the Government House Leader as saying that the Government was not going to divert personnel to answer Mr. Williams' written questions. After hearing from the Government, the Speaker said that the matter did not seem to involve privilege or contempt, but promised to review the documents and come back to the House if necessary. On May 6 the Speaker stated that if there were a deliberate attempt to deny answers to a Member and if this could be shown to interfere improperly with a Member's parliamentary work, then this would constitute a *prima facie* question of privilege. However, in this instance, the Government had given the House its assurance that responses were being prepared to Mr. Williams' questions and therefore the Chair could find no *prima facie* question of privilege. The Speaker concluded by reminding both Members and officials that members of the ministry are responsible to the House for actions taken in preparing responses to written questions.

When a question of privilege was raised on May 1 regarding com-

ments made by a Member outside the House, the Speaker ruled that such remarks made outside the House did not fall within the purview of the Chair. **Louis Plamondon** then raised a point of order to remind the Chair that in the previous Parliament the Chair had found that a Member's remarks outside the House were unacceptable. The Speaker promised to look at the precedent to see what bearing it had on this point of order. On May 14 the Speaker stated that he had examined the precedent referred to, and found that the remarks made outside the House in that instance had been critical of one of the presiding officers of the House. The remarks objected to on May 1 were not, however, critical of the Chair or the House.

Committees

On March 4, the Government moved concurrence in the first report of the Standing Committee on Procedure and House Affairs. This report set out the list of members and associate members of the standing committees. Members of the Reform Party rose on debate to complain that in the First Session the Official Opposition, the Bloc Québécois, was the only opposition party whose Members were granted one of the two vice-chairs of each standing committee as well as the chair of the Standing Committee on Public Accounts. The report was concurred in on division. When the standing committees began holding their organization meetings, Reform Party members proposed their own candidates for the two deputy chair positions of the Standing Committee on Transport and for chair of the Standing Committee on Public Accounts. In the Transport Committee the elections resulted in ties, which were broken by the casting vote of the chair. In the Public

Accounts Committee, where the position of chair has gone to a member of the Official Opposition since 1958, the Bloc Québécois candidate carried the election.

The first report of the Standing Committee on Government Operations was presented to the House on May 9 and was concurred in later that day. The report was unusual in that it proposed a message be sent to the Senate to invite that House to give leave to the Chair of its Standing Committee on Internal Economy, Budgets and Administration to appear before the Government Operations Committee in relation to the Main Estimates for the Senate. No record has been found in this century of a message requesting the appearance of a senator. And to preserve their respective independence, neither House asks the other to justify or explain its budget needs.

Other Matters

A private Members' bill to establish the Canadian Association of Former Parliamentarians was, by unanimous consent of the House, introduced and deemed adopted at all stages on April 26. An unincorporated association already existed and the purpose of the bill was to transform it into a non-profit corporation.

In the area of interparliamentary relations, two visits are worthy of special note. In April the Parliament of Canada hosted an official visit by the Chairman of the National People's Congress of China, **Qiao Shi**, and a large delegation of parliamentarians and senior officials. The delegation also travelled to several other cities in Canada. And over the Easter adjournment the Speaker of the House of Commons, **Gilbert Parent**, led a parliamentary delegation to Chile. During the three-day visit, he was

invited to address the Chamber of Deputies, only the third time that has been done. The purpose of the trip was to establish closer ties between the two parliaments and to encourage the current round of trade negotiations.

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British Columbia

British Columbia's 35th Parliament was dissolved on April 30th and a long-awaited election campaign began. For the first time in many years, a number of political parties may achieve electoral success. The governing NDP are led by **Glen Clark**; the Liberals, led by **Gordon Campbell**; the Reform Party by **Jack Weisgerber**, and the Progressive Democratic Alliance by **Gordon Wilson**. At the time of dissolution, party standings in the 75-set House were NDP 50, Liberal 14, Reform 4, PDA 2, Social Credit 1, Independent 3, plus one vacancy.

Election night proved to be very dramatic, with the NDP winning a slim majority: 39 seats to the Liberals' 33, with the Reform Party picking up two seats and the Progressive Democratic Alliance one. At the time of writing, absentee ballots had not yet been counted, and with close vote tallies in a number of ridings, the seat distribution may change.

Prior to the election, the fifth session of the 35th Parliament was held, and proved to be the shortest in British Columbia history, lasting just six days. Despite that, it proved to be noteworthy for a number of reasons. After a Throne Speech that reiterated a number of commitments already announced by the Premier, the government introduced a bill entitled the *Education and Health Collective Bargaining Assistance Act*. Introduced to address a looming labour disruption in the Surrey School District, the bill provided additional powers to cabinet to settle labour disputes in schools, colleges and hospitals for a period of sixty days.

The government requested that the legislation be considered urgent and allowed to proceed through all stages that day. Opposition members objected to the request, arguing that the scope of the bill went beyond the immediate situation in Surrey and that the government's long delay in recalling the House for the spring session undermined the claim for urgency. After receiving submissions, the Speaker delivered a ruling in the afternoon, in which he denied the government request because the bill would apply to potential disruptions beyond the immediate case at hand. Given this ruling, the House was called into session on both Saturday and Sunday to debate the bill. It was granted

Royal Assent on Sunday, April 28.

Also on Sunday, MLA **Allan Warnke** announced that he was leaving the Liberal caucus to sit as an Independent. This move reduced the Liberals caucus to fourteen members.

On the morning of April 30, Finance Minister **Elizabeth Cull** introduced the fifth budget of the NDP government. It promised a modest reduction in provincial income tax and indicated a small surplus for the coming year. During the debate, opposition critics argued that the government's projected revenue figures were too optimistic, and that pre-election spending announcements undermined the government's claims to fiscal responsibility. That afternoon, the Premier visited Government House and was granted a dissolution by Lieutenant Governor **Garde Gardom**. With a budget introduced but not passed by the House, the government will continue to run on special warrants.

Conflict of Interest Commissioner Appointment

Prior to the start of the legislative session, Premier Clark announced a successor to retiring Members' Conflict of Interest Commissioner **Ted Hughes**. He was **David Mitchell**, who up to that point had been a sitting MLA (Ind.), and was for-

merly a member of the Liberal caucus, having left after a disagreement with its former leader. The appointment immediately ran into stiff opposition, with both Liberal and Reform members citing concerns over Mr. Mitchell's ability to act impartially in the position, in which he would be making decisions about sensitive disclosure information from former political rivals. Further, it became apparent that Mr. Hughes, who previously had agreed to extend his tenure until a successor could be found, was not informed of the decision to terminate his appointment until the day before it occurred.

Given widespread opposition, the Premier, with the assent of Mr. Mitchell, rescinded the appointment and reinstated Mr. Hughes. He also indicated that the selection process next time around would be done by a special committee of the Assembly, as is the practice with other statutory officers. Mr. Mitchell, who had resigned his seat, found himself in the position of being neither Commissioner nor an MLA. However, he had previously indicated plans to retire from politics in any event.

Neil Reimer
Committee Clerk