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# Legislative Reports



**ASSEMBLÉE NATIONALE**

## Quebec

On 19 June 1996, the National Assembly adjourned its proceedings for the summer break having held 41 sittings since the beginning of the new session. During this period, a considerable number of bills were passed, including 37 public bills and 8 private ones. This includes a bill creating the Ministère de la Métropole, whose mission is to promote and support the economic, cultural and social development of metropolitan Montreal.

The Assembly also examined a bill respecting pay equity. The purpose of this bill is to redress the salary discrimination suffered by persons occupying positions in predominantly female job classes. The bill is currently being considered in committee, where special consultations are also being held. As regards the bill establishing a universal drug insurance plan, it was passed following the suspension of certain rules of procedure.

Under the plan, every person residing in Quebec who is registered with the Quebec Health Insurance Board will benefit from basic coverage for the cost of pharmaceutical services and medications. The bill sets out the contributions to be made to the financing of the basic

plan by the persons covered, who may be required to pay a co-insurance amount of not more than 25 % of the cost of the pharmaceutical services and medications provided up to a maximum contribution of \$ 750 for a one-year reference period.

The provisions of this Act come into force on January 1, 1997. However, persons aged 65 and over as well as welfare recipients are subjected to these provisions as of August 1, 1996 and thus have to pay a premium and a deductible amount according to their income.

The passage of two other bills should also be highlighted: a bill that amends the *Charter of Human Rights and Freedoms* in order to secure the right to equality, without exclusion based on sexual orientation, as regards the establishment of contracts and plans relating to insurance, retirement pensions or other social benefits; and a bill that amends the *Civil Code* with respect to the obligation of support, which corrects what was considered to be an injustice towards elderly persons who were obliged to pay support to relatives other than those in the first degree.

In addition these of legislative measures, Members were also asked to approve the budgetary policy of the Government following the Budget Speech delivered on May 9, 1996 by the Minister of Finance, **Bernard Landry**.

Numerous directives were issued by the Chair in the last few months. Indeed, many procedural cases were brought to the forefront at various legislative stages of the de-

bates on the controversial bill implementing the prescription drug insurance. The Chair thus denied a point of privilege by the Official Opposition House Leader regarding the advertisement that was published in several Quebec newspapers on the new prescription drug insurance plan proposed in this bill. The latter criticized the publicity for failing to mention the role of the Assembly and of its Members with respect to the procedure followed for the passage of bills.

Mr. Speaker stated that campaigns undertaken by the Ministries and public bodies in order to inform the population of governmental decisions did not constitute a *prima facie* contempt of Parliament. Nevertheless, government publicity regarding a bill that is still being considered by the National Assembly should mention the role of the National Assembly and of its Members with respect to the procedure followed for the passage of such new measures. Further to this ruling, Mr. Speaker tabled copies of letters he had sent to both the Prime Minister and the Minister of Health and Social Services regarding this matter.

Following the tabling of an audio cassette by a member of the Official Opposition, Speaker **Jean-Pierre Charbonneau** stated that tabling shall be limited to hand-written or printed documents until the proper storage, reproduction and distribution of audiovisual documents can be assured for an extended period of time.

Among recent political events worthy of mention, it should be

noted that the Member for Iberville, **Richard Le Hir**, announced his decision to leave the Parti Québécois and sit as an independent, as of April 30, 1996. On June 18, 1996, the Member for Pointe-aux-Trembles, **Michel Bourdon**, announced in the Assembly his retirement from political life. Mr. Bourdon had been elected under the banner of the Parti Québécois in the general election on September 25, 1989 and had been re-elected in September 12, 1994.

Before the adjournment of proceedings for the summer, the Members of the Assembly welcomed two new colleagues to the National Assembly, both of whom were returned in the by-elections of June 10, 1996. They are the Parti Québécois candidate in L'Assomption, **Jean-Claude Saint-André**, and the Liberal Party candidate in Outremont, **Pierre-Étienne Laporte**.

Consequently, the party standings of the National Assembly are as follows: 74 Parti Québécois; 47 Liberals; 3 Independents (including one Member of the Action démocratique du Québec Party); and 1 vacant seat.

More recently, the federal government announced the appointment of **Jean-Louis Roux** to the office of Lieutenant-Governor of Quebec. Mr. Roux replaces **Martial Asselin**, who had held this post since August 9, 1990.

Regarding interparliamentary relations the Speaker of the National Assembly, **Jean-Pierre Charbonneau**, tabled the reports of several parliamentary missions undertaken by Members of the Assembly.

During the spring, a delegation was sent to Toronto to participate in the 5th Annual Assembly of the Ontario-Quebec Parliamentary Association (A.P.O.Q.). At the end of May, during a visit to France, the Speaker of the Quebec National Assembly signed a memorandum of agreement with the President of the

French National Assembly. Also, a Quebec delegation attended the meeting of the Committee on Energy and the Environment of the Eastern Regional Conference of the Council of State Governments, held in Boston, Massachusetts, on May 31, and June 1, 1996.

The Assembly resumes its proceedings on Tuesday, October 15, 1996, while the parliamentary committees recommenced their activities in August.

**Nancy Ford**

National Assembly Secretariat

Translated by Sylvia Ford

### Committee Activity

As in past years, May and June have been a time of intense activity especially as regards the consideration of bills. Some forty bills were examined during over eighty committee sittings and, many bills required the holding of special hearings.

The Committee on Social Affairs was particularly busy. It held a series of special hearings under a mandate, undertaken on its own initiative, to examine the functioning of the bodies and agencies having a role to play in the use of prescription drugs in Quebec. In addition, pursuant to section 8 of the *Act respecting the accountability of deputy ministers and chief executive officers of public bodies*, the committee heard the chairman of the Quebec medical council. The committee also undertook detailed consideration of a number of bills referred by the House, such as Bill 116, *An Act to again amend the Act respecting health services and social services*, and Bill 33, *An Act respecting prescription drug insurance and amending various legislative provisions*, for both of which the committee held special hearings before beginning detailed consideration. In each case however, the

committee's examination was suspended when, claiming the urgency of the situation, the Government House Leader tabled a motion to suspend the rules of procedure and recalled the bills to the House.

The activities of the Committee on the Budget and Administration included a ten-hour continuation of the debate on the Budget Speech, begun in the National Assembly. The committee also held public hearings, under a mandate pursuant to the *Securities Act*, to study the advisability of maintaining the Act in force or of amending it.

The committee also devoted time to the consideration of Bill 36, *An Act to amend the Financial Administration Act and other legislative provisions*, and Bill 32, *An Act to amend the Act respecting the Ministère du Revenu*, which required the holding of special hearings prior to detailed consideration. The committee's examination of Bill 32 was suspended when the Bill was recalled to the House following the tabling of a motion to that effect by the Government House Leader.

The Committee on Agriculture, Fisheries and Food examined Bill 23, *An Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities*, one of the main objectives of which is to protect the right of farmers to farm in agricultural zones, while promoting harmonious relations with neighbouring residential areas.

The Committee tabled reports in the National Assembly on the subject of accountability and the supervision of public bodies, after hearing the Deputy Minister of Agriculture, Fisheries and Food and the executive officers of five agencies operating in its policy field. The reports and the recommendations they contain will be taken under consideration by the National Assembly when the session resumes in

the Fall. The Committee also elected a new vice-chairperson, **Cécile Vermette**, to replace **Michel Bourdon**.

The Committee on Culture engaged in detailed consideration of Bill 28, *An Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions* and Bill 18, *An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions*. It also heard the chairman of Quebec's access to information commission in connection with the commission's 1994-95 annual report pursuant to the Standing Orders of the National Assembly. Several working sessions were devoted to the mandate undertaken on the Committee's initiative to investigate issues associated with the implementation of the information highway in Quebec.

The work of the Committee on Institutions was devoted chiefly to a number of legislative mandates, including examination of Bill 51, *An Act respecting the implementation of international trade agreements*, and Bill 20, *An Act to amend the Legal Aid Act*, and Bill 25, *An Act to amend the Civil Code as regards the obligation of support*. It also continued its detailed examination of Bill 130, *An Act respecting administrative justice*, besides holding public hearings on a study document proposing amendments to be made to the *Election Act*.

The Committee on Planning and Infrastructures examined several bills concerning the municipal sector, including eight private bills, and other bills in the environment and wildlife sector. It also considered Bill 1, *An Act respecting the Ministère de la Métropole*, which establishes a government department responsible for the economic, cultural and social development of Greater Montreal.

The Committee on Labour and the Economy examined Bill 129, *An*

*Act to amend the Act respecting lotteries, publicity contests and amusement machines in respect of international cruise ships*, Bill 27, *An Act to amend the Labour Code*, Bill 26, *An Act respecting the Ministère du travail*, and Bill 117, *An Act to amend the Watercourses Act*.

Lastly, the Committee on Education completed a consultation paper entitled "Conditions for Successful Completion of Secondary-level Education" which was made public in June. It was prepared as part of a mandate, undertaken on the Committee's own initiative, to inquire into the conditions for the successful completion of secondary-level education and to develop appropriate proposals and recommendations. The Committee will continue its mandate by holding special hearings in August.

Interpellations took place in several committees in the month of May, including the Committee on Labour and the Economy on the subject of labour relations in Quebec, the Committee on Planning and Infrastructures on the subject of regional development, the Committee on Social Affairs on the subject of prescription drug insurance and child day-care services, and the Committee on Education on the subject of the establishment of linguistic school boards throughout Quebec.

After the July recess, the committees will undertake a number of mandates in August and September, including nine public hearings.

**Line Béland**  
Secretary of the Committee on  
Planning and Infrastructures  
Committee Secretariat



## Northwest Territories

The Third Session of the 13th Assembly reconvened May 1 with the release of *Building a Foundation for the Future: The Northwest Territories' Agenda for Change*. The 19-page document outlines the Government and Legislative Assembly's blueprint to 1999. The report clearly identified 10 priorities for the Territorial Government and includes a method for evaluating progress throughout the process.

May 2 was budget day in the Territories with the release of Finance Minister **John Todd's** first budget and the first budget of the 13th Assembly. The release of the Capital and Operating and Maintenance budgets was delayed to allow new MLAs an opportunity to have input into the budget and the cutbacks necessary to eliminate the deficit.

Mr. Todd started his Budget Address by saying the government has to change the way it does business and that would mean reductions in all areas. He said with the changes proposed in the 1996-97 budget the deficit would be \$43 million rather than the projected \$150 million, leading to a balanced budget in 1997-98.

The \$1.2 billion spending plan for 1996-97, down \$70 million from those forecast a year earlier, also included a number of new initiatives aimed at diversifying the Northwest Territories' economy. Some of the new initiatives introduced in the

budget include a \$5 million Community Initiative Program, establishing creative partnerships with aboriginal groups, businesses and other levels of government and \$5 million to set up a Mortgage and Loan Company.

In his Budget Address, Mr. Todd said the Northwest Territories is open for business and will do all it can to attract new dollars to the territory. There were no new taxes or tax increases announced in the budget.

In conjunction with the passing of the 1996-97 Capital and Operating and Maintenance budgets, the Legislative Assembly also passed Bill 10, *The Budget Measures Implementation Act*. This Bill made legislative changes — amending several Acts and repealing two others — necessary to implement the budget and help the government meet its financial targets.

### Legislation

Numerous bills also received passage in the May sitting including the first Private Members Bill of the 13th Assembly. Yellowknife North MLA **Roy Erasmus** brought forward Bill 5, *An Act to Amend the Motor Vehicles Act*. The amendment requires motorists to use headlights or daytime running lights of a vehicle at all times. Other legislation that received passage included:

- *Appropriation Act, 1996-97*: authorizes the government to make operations and maintenance expenditures and capital expenditures for the fiscal year ending March 31, 1997.
- *An Act to Amend the Legislative Assembly and Executive Council Act, No. 2*: requires a Member of the Legislative Assembly to file a supplemental disclosure statement where there is a change in his or her financial circumstances as reported in

the annual disclosure statement.

- *Loan Authorization Act*: authorizes the government to make loans to municipalities for 1996-97.
- *An Act to Amend the Legislative Assembly and Executive Council Act, No. 3*: eliminates cost of living increases in respect of allowances and constituency expenses paid to Members and to roll-back the increase made to the amount of the allowances and constituency expenses on April 1, 1996.
- *Statute Revision Act*: provides for the appointment of a Statute Revision Commissioner and for the preparation, approval and coming into force of the Revised Statutes of the Northwest Territories, 1998 and the Statutes of Nunavut, 1999.

### Committees

After May's month long session most Members of the Legislative Assembly headed home to spend some time with their families but many have been called back for committee work. Five members of the Government Operations Committee travelled with Finance Minister **John Todd** to the Maritimes as part of the Investment Search Sub-Committee. The sub-committee is looking for new ways to attract investment capital to the Northwest Territories.

Other Committees also met during June and July including the Working Group on the Western Constitution, the group drafting a constitutional package for the Western Arctic after division of the N.W.T. in 1999.

### Other Matters

The Governor General of Canada, **Romeo LeBlanc** and Madame Di-

**ana Fowler LeBlanc** were the guests of honor at a luncheon in the Legislative Assembly June 20. The luncheon was hosted by Speaker **Sam Gargan** and **Goo Arlooktoo**, Deputy Premier of the Northwest Territories.

**David Hamilton**, Clerk of the Legislative Assembly, hosted the Conference of Canadian Election Officials, electoral officials from across Canada, at a four-day conference in July where election issues and new initiatives for elections were discussed.

The Northwest Territories also hosted the Seventh Annual Visitors Services National Conference with delegates from seven provinces and the host territory attending. Delegates work in Public Relations and Visitors Services offices at Legislative Assemblies across the country.

**Ronna Bremer**  
Public Relations Officer  
Northwest Territories Legislative  
Assembly



### Saskatchewan

The First Session of the 23rd Legislature adjourned on June 25, 1996, after 17 weeks and 80 sitting days. A total of 127 bills were introduced, including 4 private members' bills and 20 opposition public bills. Ninety-eight of the 103 Government public bills and all of the private members' bills received

Royal Assent. Health care reform and funding of the provincial health districts, together with the issues of union preference tendering and the Government's Crown Construction Tendering Agreement (CCTA), the organization of rural governments and measures to protect the public from dangerous offenders were the main areas of debate during the session. Two major filibusters (the Liberals on health care and the Conservatives on the CCTA) and a government motion which extended sitting hours (10:00 a.m. to 10:30 p.m. daily, except Friday) marked the last month of session.

### New Elections Act

Through **Bob Mitchell**, minister responsible for the *Elections Act*, the Government proposed the first comprehensive revision of election law in Saskatchewan since 1971, by introduction of Bill No. 92, *An Act respecting Elections*. The minister stated that the bill addressed three main subjects areas: firstly, the bill provides substantial improvement in the accessibility of the right to vote; secondly, increased accountability for candidates, campaign managers and provincial parties and thirdly; enunciation of clearer rules respecting election expenditures. The bill was the subject of broad consultation with all the political parties represented in the Saskatchewan Legislative Assembly before introduction so it was not expected to be controversial. However, when questions were raised by the media about alleged "secret trust funds" maintained by the Conservative and New Democratic parties, Liberal Leader **Ron Osika** pressed for a public inquiry and postponement of the bill. The minister stated that the controversy was over the interpretation of the reporting provisions of the existing act rather than a problem with the pro-

posed bill. Bill No. 92 was passed on June 25th and is expected to come into force in January 1997. The matter of the trust funds is currently being investigated by the Chief Electoral Officer.

### Privilege

On June 17, **Ned Shillington**, the Government House Leader, raised a question of privilege with respect to comments made by **Ron Osika**, the Leader of the Opposition during oral question period on June 14. Mr. Shillington claimed the comments attacked the conduct and integrity of the Conflict of Interest Commissioner, **Derril McLeod**. Mr. Osika accused the commissioner of being in a conflict of interest for being "heavily involved in a company that may have donated funds to the New Democratic party" and requested the Premier to remove Mr. McLeod from his position. Speaker **Glenn Hagel** took notice of the question and delivered his ruling the following morning.

In finding that a *prima facie* matter of privilege had been established, the Speaker reminded Members that the Conflict of Interest Commissioner is an officer of the Assembly who is entitled to the protection customarily accorded to such officers. The Speaker indicated that by statute the Commissioner can only be disciplined or removed from office by an order of the Assembly and not by the Premier. The Speaker concluded by stating that the remarks of the Leader of the Opposition were capable of undermining the personal credibility and professionalism of the commissioner and could impede his capacity to serve the Assembly. Prior to the Speaker's ruling, Mr. Osika did withdraw the remarks and offered an unqualified apology to the Commissioner. This gesture was accepted by the Assembly.

A second question of privilege concerning the Conflict of Interest Commissioner was raised by Liberal MLA **Gerard Aldridge** on June 19. He claimed that the Commissioner's position on the board of directors of a corporation which had criticized him served to impair the performance of his parliamentary duties. Mr. Aldridge voiced concerns about the commissioner's ability to perform his duties impartially, particularly with regard to the confidential financial disclosure statements all MLAs must submit to the commissioner. In his ruling to the House the following morning, Speaker Hagel noted that Mr. Aldridge had not identified or demonstrated any present or past improper conduct of the Conflict of Interest Commissioner but had rather expressed his doubt in the commissioner's ability to perform his duties impartially. As such, the Speaker stated that the complaint did not constitute an interference or obstruction in the member's ability to carry on his parliamentary functions. Accordingly, Speaker Hagel ruled that a *prima facie* question of privilege had not been established.

### Changes in Members' Salaries and Allowances

In December 1994, the Assembly appointed **Stirling McDowell** to head the Independent Committee on MLA Compensation (Salaries and Allowances). The Committee reported its recommendations to the Board of Internal Economy in the Spring of 1995 (for details see *Canadian Parliamentary Review*, Summer 1995). The recommendations, which were agreed to in principle, were not expected to be formally adopted until the fall in order to give the committee time to clarify certain matters. In the meantime membership changes on the Board

resulting from the provincial general election caused further delays.

On March 5, 1996, the Board agreed to adopt the McDowell recommendations effective July 1, 1996. With the legislative session having already commenced, the July 1 implementation date was meant to give Assembly staff sufficient time to establish new administrative structures and re-orient Members, caucuses and their respective staffs. However, the implementation date proved to be controversial. The Conservative caucus asked for an immediate implementation date. Conservative leader **Bill Boyd** argued that the delayed implementation date provided an approximately \$4,000 bonus for MLAs while government members maintained that July 1st implementation of "McDowell" still meant an overall reduction in remuneration rather than a windfall. Both sides of the issue presented figures to support their respective arguments. To make their point, Conservative Members decided to forgo an equivalent amount in sessional per diems.

### Resignation

On June 12, **Doug Anguish** announced his resignation as Minister of Labour and as the Member for North Battleford effective July 1, 1996. Mr. Anguish served previously as a Member of Parliament and had been a Member of the Saskatchewan Legislative Assembly since October 1986. He has accepted a position outside the political arena in the NWT.

Responsibility for the Labour portfolio will be handled by **Robert Mitchell**, who will continue in his role as Minister for Post-Secondary Education and Skills Training.

**Margaret Woods**  
Clerk Assistant



## Manitoba

The House recessed on June 6, 1996, bringing to a close a fairly raucous Spring sitting that was characterized by the introduction of a heavy legislative agenda, debate of estimates, highly polarized ideological debates and a strike by public home-care workers.

### Legislation

The Government brought forward a legislative package of 75 bills which were all moved for Second Reading before the recess, as required by the Provisional Rules. Considered by some to be the most far-reaching legislative package of the Filmon Government to date, it includes a number of bills that are expected to have a significant impact upon Manitobans and their province. These bills include:

- Bill 67 – *The Manitoba Telephone System Reorganization and Consequential Amendments Act* – this legislation will prepare the crown corporation for sale as had been announced by the Government earlier in the year.
- Bill 26 – *The Labour Relations Amendment Act* contains amendments that affect the relationship between unions and their members. These proposed changes include requirement of 40% of a new union's membership in order to apply for certification; full financial disclosure of all unions; and the option of a member to designate his/her dues to a charity of one's choice.
- Bill 72 – *The Public Schools Amendment Act (2)* comes after a review of the 40 year-old collective bargaining process for determining Manitoba's teachers' salaries. The legislation maintains the no-strike and lock-out element but provides allowance for an arbitrator to consider the ability of a school division to pay. As well, the bill provides for two different methods for resolving disputes; the first one involves using, if necessary, a government conciliator before binding arbitration and the second option involves using, if necessary, a mediator who would also act as the arbitrator. For the first option, both parties must agree to the process, however, the second option allows for one party to choose this method after a minimum notice period has occurred.
- Bill 49 – *The Regional Health Authorities and Consequential Amendments Act* establishes 10 regional health boards as authorities to plan and direct health services in their respective regions.
- Bill 76 – *The Gaming Control and Consequential Amendments Act* is a follow-up to one of the recommendations of a Working Group on the issue of Gambling in Manitoba in proposing the establishment of a gaming commission to provide regulatory control of gambling in Manitoba and provide policy research and advice on its social and economic impacts.
- Bill 31 – *The Livestock Industry Diversification and Consequential Amendments Act* is that legislation which will provide for



Manitobans to legally engage in game farming and ranch native wildlife, namely elk. As just a sketch of the legislative agenda, the Fall will prove to be busy as some 67 bills have yet to go through committee.

### Procedural Matters

A five-week strike of provincial home-care workers was the background for a highly politically-charged House which contributed to a number of procedural matters that arose in the recent sittings. On April 22, 1996, **David Chomiak** raised a matter of privilege alleging that the Minister of Health misled the House about information related to Home Care services and privatization plans of such and that the Minister had proved incompetent in handling the matter and related issues. On April 29, Speaker **Louise Dacquay** ruled that there was no *prima facie* evidence of a breach of privilege as there was no proof of deliberate intent to mislead the House and that allegations of mismanagement by a Minister was not a basis for privilege.

On May 13, 1996, during Oral Questions, the Opposition House Leader, **Steven Ashton**, moved for adjournment of the House, contending that the unresolved home care dispute was creating chaos in Manitoba's health care system and that the Government must immediately attend to finding a resolution. Speaker Dacquay ruled the motion out of order as Manitoba's rules require that a motion to adjourn the House may not be moved until the Orders of the Day had been entered upon. Mr. Ashton challenged the ruling and it was sustained on a formal vote. Following this, **Kevin Lamoureux** raised a matter of privilege contending that Mr. Ashton, in moving the adjournment motion, the subsequent challenge to the rul-

ing and the ringing of the bells for an hour, represented wilful disobedience to the rules of the House and obstruction of the House. The Speaker ruled on May 23 that there was no *prima facie* evidence of a breach of privilege as Mr. Ashton's actions did not represent a wilful and persistent disobedience of the rules of the House.

One of the most difficult situations the Speaker had to deal with was on May 14, 1996, when the disorder in the House became so disruptive and grave that she recessed the House for about two weeks. This occurred during debate on Manitoba's first Opposition Day motion, however the excessive disorder seemed to be a culmination of many factors including the lack of resolution on the Home Care workers' strike and the highly polarized positions over the strike and related issues. Upon return to the House, a number of points of order were raised regarding language and actions that had allegedly been said or occurred prior to the recess. Speaker Dacquay took the matters under advisement but with the language in question subsequently not evident on the Hansard tapes and with some of the points of order raised too late, the points of order were ruled out of order.

The frustration of the Opposition reached its peak on June 3, 1996, following a ruling by the Speaker regarding alleged language used by the Minister of Education and Training, **Linda McIntosh**, as it related to the May 14th events. The Speaker ruled that the words allegedly spoken by the Minister were not evident on the Hansard tapes. Following a challenge to this ruling by the Opposition, Mr. Ashton rose on a matter of privilege and moved a motion of non-confidence in the Speaker. The matter was dealt with immediately and following a

number of speakers, the motion was defeated on division.

**Judy White**  
Clerk Assistant  
Manitoba Legislative Assembly



When the Leader of the Opposition, **Michel Gauthier**, opened debate on a supply day opposition motion on May 16, he announced that he was splitting the speaking time for Members of his party. This meant that the second speaker on the motion would also be a member of the Bloc Québécois and that he or she could move an amendment. Consequently, the Government raised a point of order to question whether this was an appropriate application of Standing Order 43(2) which allows a Member's 20-minute speaking time to be shared with another Member of the same party. The Acting Speaker, **Bob Kilger**, later reminded the House that it had become common practice for Members to share the first speech on supply days and that there had been other occasions when speakers who were sharing their time had each moved a motion. He then ruled that it was in accordance with the Standing Orders and with practice for the mover to share speaking time with another Member, who could then propose an amendment. He concluded by suggesting that the Standing Committee on Procedure and House Affairs could review the wording of the Standing Orders if the House objected to this way of proceeding.

On June 18 the Speaker ruled on the point of order raised by **Ray Speaker** on May 9 regarding a non-votable private Member's motion standing in the name of **Don Boudria**. That motion accused **Ray Speaker** of attempting to put pressure on the Speaker to recognize the Reform Party as the Official Opposition and declared that Mr. Speaker's actions were a contempt of Parliament. The Speaker ruled that such a motion was procedurally acceptable under the rules for Private Members' Business and that the Chair did not have the authority to make the motion votable. He further pointed out that there were "procedures at the disposal of the House to ensure that a sense of fair play prevails in all its proceedings". **Ray Speaker** immediately raised a question of privilege which, if found *prima facie*, would provide a way of resolving the charge made against him by permitting the matter to come to a vote. He argued that allowing the charge to remain unresolved would seriously affect his reputation. After hearing from other Members, the Speaker reserved his decision. When he returned to the question on June 20, the Speaker reminded the House that motions regarding the conduct of Members had in the past been placed on the Order Paper under Private Members' Business without ever being voted on by the House. Although he could not find there was a *prima facie* question of privilege, the Speaker suggested that the Member consider pursuing the matter of the non-votable motion with the Standing Committee on Procedure and House Affairs.

### Privilege

On June 18 the Standing Committee on Procedure and House Affairs reported to the House regarding the question of privilege raised by **Jim**

**Hart** on March 12, which charged 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. The Committee concluded that Mr. Jacob's actions were "irresponsible" but did not constitute a contempt of the House. The Committee added that it did not feel that Mr. Hart had acted in an entirely non-partisan manner in raising the matter as a question of privilege.

Later that day Mr. Jacob sought the floor to make a "solemn declaration". However, the Speaker intervened when Mr. Jacob began to criticise Mr. Hart for having raised the question of privilege. The Speaker reminded the House that a solemn declaration was not intended to make additional accusations or incite debate. Another Bloc Québécois Member subsequently rose on a point of order to demand a public apology from Mr. Hart. The Speaker replied that the proper way of proceeding would be to debate the report itself on a motion of concurrence, although he agreed, at the Member's insistence, to return to the House on the point of order if he found it necessary to do so.

On June 20 a Reform Party Member, **Chuck Strahl**, moved concurrence in the Committee's report and another Member of the same party, **Ray Speaker**, moved an amendment to recommit the report with instruction to amend it so as to recommend that the House find Mr. Jacob in contempt of Parliament. The Government later moved the adjournment of the debate and that motion carried on a recorded division. The concurrence motion now appears on the Order Paper under Government Business and can only be called for further debate when the Government wishes.

### Committees

On June 19 **Marlene Catterall**, chair of the Sub-Committee on the Business of Supply, presented two reports from the Standing Committee on Procedure and House Affairs. The 23rd report contains the Sub-Committee's review of the pilot project undertaken by the Treasury Board Secretariat to produce revised Part III Estimates documents for six departments.

The report approves the Treasury Board proposal to expand the pilot project to sixteen departments and to introduce additional information documents. The 24th report provides a statement of the Sub-Committee's goals and the principles guiding its study of the Business of Supply, as well as summarizing the evidence obtained to date and outlining some proposals under consideration. The House concurred in the 23rd report on June 20.

Bill C-216, a private Member's bill sponsored by **Roger Gallaway** to amend the *Broadcasting Act* so as to prohibit negative-option billing by cable companies, was given second reading on April 29 and sent to the Standing Committee on Canadian Heritage. The Bill was reported to the House with an amendment on June 3. However, the progress of two other private Members' bills has been blocked by the standing committee to which they were referred after second reading.

The Standing Committee on Justice and Legal Affairs voted not to report Bill C-234 and Bill C-245 to the House. On June 19 **John Nunziata** announced in the House that he intended to raise a question of privilege in September about the Committee's decision on his Bill C-234, which would have amended the *Criminal Code* respecting parole eligibility.

Bill C-245, sponsored by **Daphne Jennings**, would have amended the



*Divorce Act* with respect to grandparents' access to their grandchildren. Ms. Jennings gave notice on June 17 of a private Member's motion to amend the Standing Orders to require a committee on a private Member's bill to report either the bill or a recommendation that the bill not be proceeded with.

The Standing Committee on Finance was asked by the Government to study the relevant provisions of the *Income Tax Act* after the May report of the Auditor General revealed that Revenue Canada had authorized the tax-free transfer to the United States of large sums of money held in family trusts.

The Standing Committee on Public Accounts then launched its own inquiry into the incident brought to light by the Auditor General. The Committee decided to swear in all witnesses, including the Auditor General and officials of Revenue Canada. The Department has also been pressed in the Committee for the name of the family involved, but officials have maintained that the *Income Tax Act* binds them to secrecy.

### Other Matters

Private Member's Bill C-243, sponsored by Ian McClelland and previously introduced as Bill C-319 in the First Session, was concurred in at report stage, given third reading, and passed on May 15. The Bill, which is now before the Senate, would amend the *Canada Elections Act* with respect to the reimbursement of election expenses.

On May 29 past and present members of the Senate and House of Commons assembled in the Commons Chamber, where the Governor General and the Prime Minister unveiled commemorative plaques marking the service of men and women who have served in Parliament since 1867. The plaques were

paid for by members of the Canadian Life and Health Insurance Association. The 68 plaques—one for the Senate and the Commons in each Parliament from Confederation to the 34th—were later installed in the new Visitor Welcome Centre on the ground floor of the Centre Block. The Centre, which opened in June, allows visitors to learn a bit about Parliament before touring the building housing the Senate and the House of Commons as well as the Library of Parliament. All visitors to the building must now pass through airport-type security screening, which was formerly used only for visitors to the galleries. The plaques and the Welcome Centre were the initiative of the Commons Speaker, Gilbert Parent.

On May 31 the Government proposed a constitutional resolution amending Term 17 of the Terms of Union of Newfoundland with Canada. The House agreed to sit into the evening on Monday, June 3, if necessary, in order to dispose of the resolution. The resolution was adopted without amendment on a recorded division. Term 17 concerns religious education rights.

Thomas Hall  
Procedural Clerk  
House Proceedings and  
Parliamentary Exchanges  
Directorate



### British Columbia

The Legislative Assembly met on June 25th for the first time since

the general election of May 28th. The expectation was for a short summer session, with priority given to passing a budget and ministry estimates, with comparatively little in the way of legislation. As it happened, 20 bills were passed by the House, with the majority of House time being devoted to Estimates debate and other budgetary matters. The session ended on August 15th after 34 sitting days.

As expected given the close party standings in the House, a number of votes were narrowly decided, primarily on bills and amendments. However, the governing NDP was able to successfully carry all the votes necessary.

One of the more controversial pieces of legislation passed by the House was the *Electoral Boundaries Commission Amendment Act*, which guides the Commission in its regular ten-year review of the province's electoral districts. The Act increases the number of districts from 75 to 81, in response to British Columbia's growing population. Opposition members opposed the bill, arguing that the increase was unnecessary. The last boundary revision occurred in 1988.

The other major package of legislation was introduced as several bills known as BC Benefits. The bills addressed various facets of social assistance programs, including youth training, welfare and child care.

A number of standing committees will be active during the fall and winter. The Aboriginal Affairs Committee will be holding public hearings into the Agreement-in-Principle signed between the Province, the Government of Canada, and the Nisga'a Nation. The committee is charged with making recommendations on the Agreement and how land claims negotiations in general might best be concluded.

The Parliamentary Reform committee will be conducting a review of the *Members' Conflict of Interest Act*, in particular making recommendations on the appointment process of the Conflict of Interest Commissioner. Following this review, the committee is authorized to undertake a search for a new Commissioner or Commissioners to replace **Ted Hughes**, who has remained in the post in an acting capacity.

The Public Accounts Committee is authorized to meet intersessionally and to study any reports by the Auditor General released during this time. The Forests Committee will be examining the annual business plan of Forest Renewal BC, the Crown Corporation established to reinvest money into the provincial forest sector. Finally, a Special Committee has been established to oversee the work of the Transition Commissioner for Children's Services, an office set up in response to the Gove Commission's inquiry into child protection in the province.

**Neil Reimer**  
Committee Clerk

## SENATE



**T**hroughout this Parliament, the Senate has attracted considerable attention, certainly more than it usually receives. Much of this has been because the Government lacks an absolute majority in the appointed Chamber and has seen

some of its legislation closely scrutinized and even defeated.

Towards the end of the first session, the numerical scales just barely tipped in favour of the Government. With the unexpected resignation of a Tory Senator and his replacement by a Liberal appointee, the standings of the Senate became 51 Government, 50 Opposition and 3 Independent. With the support of the independents, the Government could hope to successfully manage its legislation. At the start of the new session in late February, the Government obtained majority representation in all Senate standing committees. Consequently, the prospect of delay at the committee-stage consideration of a bill virtually disappeared. Nonetheless, the Government's slim plurality was not enough to assure the passage of all its legislation. This fact was highlighted dramatically with the fate of Bill C-28, the Pearson Airport Agreements Bill.

The persistence of the Government in attempting to cancel these agreements that had been signed just before the previous Government was defeated at the last general election has been matched by the Opposition attempts to fight it.

When the Government tried to move second reading on Bill C-28 late last April, the Opposition were quick to propose procedural objections. The first point of order claimed that the debate could not proceed because the matter was before the courts and because passage of the bill would nullify retroactively a valid court decision. A second point of order challenged the procedures by which the bill had been sent from the House of Commons to the Senate. The Opposition claimed that the bill was not properly before the Senate because it had not actually been debated by the House of Commons and, in addition, because it was not in the same

form as the previous version, Bill C-22 including the amendments that had been adopted by the Senate, though not accepted by the House.

In both cases the Speaker, **Gildas Molgat**, ruled that the points of order were not sufficiently proved. Decisions of the court relating to the status of the agreements, according to the Speaker, could not be used to prevent the Senate from considering Bill C-28 and the way in which the House of Commons adopted the bill was not the proper concern of the Senate. Both rulings were appealed to the full Senate and were sustained each time: 46 to 43 and 43 to 26.

Immediately following second ruling, Senator **Orville Phillips** raised still another point of order to claim that proceedings on the bill should be stopped since Bill C-28 was a bill of pains and penalties, a type of legislation once used by the British Parliament to impose sentences on political opponents without the benefit of a court trial. After a brief suspension of the sitting, Speaker Molgat ruled that Bill C-28 was in proper form and was not a bill of pains and penalties. This time there was no appeal.

The Opposition, however, were not prepared to give up the fight. Unable to defeat the second reading of the bill, they challenged the report of the Legal and Constitutional Affairs Committee and its proposed amendments to the bill. These amendments were supported by the Government and were intended to meet any constitutional objections to the way the Pearson Airport agreements were cancelled. This had been a major concern of the Opposition. Nonetheless, the Opposition objected to the amendments and claimed that the committee amendments were contrary to the principle of the bill. Again, the Speaker ruled against the point of

order and his decision was sustained on appeal 47 to 44.

At this point, it seemed that the Government was going to carry the day. The Government successfully secured the adoption of a time allocation order limiting debate on the report and third reading. Even Senator Findlay MacDonald, a staunch critic of the bill and the chairman of the special committee inquiry into the Pearson Airport agreement, conceded the likely outcome of the vote when he spoke of the eve of the final vote that was scheduled for Wednesday, June 19. However, the results were not what had been expected. The votes were 48 to 48, a tie, and in consequence, Bill C-28 was lost.

The unexpected results of the vote on Pearson Airport may have had a spill over effect on the proceedings relating to the debate on the Newfoundland constitutional amendment, Term 17. Though the Government showed a willing disposition to allow a Senate committee to sound out public opinion in Newfoundland on the proposal to revamp the structure of the province's educational system before the vote on Bill C-28, the unexpected results of that vote together with the divided opinions on the issue of Term 17 expressed to the committee signalled potential problems. The Senate was not recalled to debate the committee's report and it will not resume its sittings until September 24.

The role of the Senate as an occasional catalyst in the legislative process was demonstrated early in this session when the Senate passed Bill S-2, an Act to amend the *Canadian Human Rights Act* (sexual orientation). The passage of this bill was relatively easy and uncontroversial. Bill S-3 was introduced very early in this session and was adopted before the end of April, receiving third reading April 24. Unlike the House

of Commons, the issue of sexual orientation as a protected right under the *Human Rights Code* has not been a very difficult issue with either caucus; a version of Bill S-2 had been passed in an earlier session without much fanfare. This time, with Bill S-3 already approved by the Senate and now in the House of Commons for consideration, the Minister of Justice introduced Bill C-33 on April 29 and the Government pushed for its adoption in short order. When Bill C-33 came to the Senate, it passed without any significant delay.

### Resignations

Four Senators have resigned recently. After more than thirty years of Senate service, **Keith Davey** announced in late April that he would be resigning effective July 1 although still five years shy of mandatory retirement. **Allan MacEachen** also retired from the Red Chamber after reaching the age of seventy-five on July 6. His resignation closes a remarkable political career that stretches back more than forty years and his first election in the House of Commons in 1953.

Last March, **Bud Olson** gave up his seat and became the Lieutenant Governor of Alberta. Another Senator to accept a vice regal position was **Jean Louis Roux** who resigned after less than two years in the Senate to become Lieutenant Governor of Quebec. There, he will succeed **Martial Asselin**, also a former Senator. In fact, Mr. Olson and Mr. Roux are the twenty-third and twenty-fourth Senators to be appointed Lieutenant Governors of a province since Confederation.

The Government has made appointments to fill two of the three vacancies. A former Minister of Agriculture during the Trudeau administration, **Eugene Whalen**, will

fill the Ontario seat and **Léonce Mercier** replaces Senator Roux.

**Charles Robert**  
Executive Assistant to the Clerk  
of the Senate



### New Brunswick

The First Session of the Fifty-third Legislative Assembly opened on February 6, 1996, with the Speech from the Throne, by Lieutenant-Governor **Margaret NorrieMcCain**.

As part of the opening ceremonies, an Aboriginal Sweet Grass Ceremony was enacted for the first time within the walls of the Legislative Assembly. The traditional native ceremony, conducted by Elder **Margaret Paul** and Elder **Barb Martin**, included burning a bundle of sweetly scented grass and waving the scented smoke about the historic chamber. The Lieutenant-Governor the Speaker, **Danny Gay**, Premier **Frank McKenna**, and Opposition Leader **Bernard Valcourt** participated in the cleansing ceremony of cedar and herb scented smoke.

The Motion for an Address in Reply to the Speech from the Throne was moved by **Carolle de Ste-Croix** who, at 26, is the youngest Member of the Legislative Assembly.

The much anticipated provincial budget, tabled in the Legislature on February 15, 1996, by Finance Minister **Edmond Blanchard**, projected

a fiscal surplus of \$92.9 million for the 1996-97 budget year, the largest in recent New Brunswick history. Although the budget called for no new taxes and no tax increases, it did project a reduction in the public service of up to 750 jobs. Municipalities were also affected by a \$16 million cut to transfers to local governments over the next two years. Universities will share the burden of fiscal restraint as grants to universities decline by \$3 million a year over each of the next three years. Spending on health care and education will increase slightly and about \$180 million will be committed to highway spending. A 1.5 percent increase in welfare payouts will commence in the fall.

Dominating the First Session was debate on a plan introduced by Education Minister **James Lockyer**. It contains far reaching educational reforms, including major amendments to the provincial *Schools Act*. Considerable time was spent in the House debating Bill 23 which would eliminate the province's 18 local school boards and replace them with two provincial boards - one for each official language. These boards would be dominated by parent appointees and eventually advised by a network of local and district parent councils. Official Opposition Leader **Bernard Valcourt** launched a full-scale filibuster on the issue stating that the removal of local school boards goes against the principle of quality in education. The opposition called for public hearings on the issue, but the Liberal government used its majority to pass the reforms. A new *Education Act* is expected to be tabled in the Legislature this fall.

Also of significance were reforms to the *Insurance Act* introduced by Justice Minister **Paul Duffie**. The bill, which requires insurance com-

panies to pay more toward provincial health care costs, also includes a provision that accident victims not wearing seat belts be compensated less than those who "buckle up." Opposition Leader Valcourt maintained that the law would lead to higher premiums for consumers and lower benefits to accident victims.

Several standing and select committees were active over the summer months reviewing a number of Bills and discussion papers relating to various topics of importance to the province. The Select Committee on Demographics, chaired by New Maryland MLA **Joan Kingston**, is examining the public policy implications of various demographic issues affecting New Brunswick as it approaches the 21st century. A government discussion paper referred to the committee deals with such diverse issues as declining births, aging population, low immigration and the distribution of the population across the province. The Committee is seeking public input and will make recommendations to assist government in determining the type of services that will be required in the future and the people who will need these services.

A general dissatisfaction with the level of gasoline pricing in New Brunswick led the House to appoint a Select Committee on Gasoline Pricing which will carry out an in-depth review of factors relating to gasoline pricing. Subjects for study include a review of price components and taxation levels relative to other jurisdictions, and an examination of the extent of, and reasons for, price differentials within the province. The Committee, chaired by **Greg Byrne**, Fredericton-Fort Nashwaak MLA, will hold public hearings during the summer months.

The Legislature's Standing Committee on Law Amendments will hold public hearings to review a number of bills and discussion papers. Bill 66, *An Act to Amend the Municipalities Act* deals with legal actions being brought against municipalities for damages caused by the escape of water or sewerage from water, sewerage or storm drainage systems. The Committee will review Bill 83, *Clean Air Act*, introduced by the Minister of the Environment. The Act supports and promotes the protection, restoration, enhancement and wise use of the environment. It includes a series of stated principles which spell out the central themes of the province's clean air legislative program. The principles emphasize the importance of environmental ethics and an ecosystem approach to air quality planning and regulation. They underline the priority attached to sustainable development and the importance of both individual and corporate action to protect the environment. The Committee will also review a discussion paper entitled *Hospital Corporation Accountability* which examines issues relating to the public accountability of the province's regional hospital corporations.

A Select Committee on Electoral Reform was established to review the province's electoral laws and the procedure relating to the conduct of provincial elections.

The House sat 38 days during the spring sitting and granted Royal Assent to 71 Bills. When the House adjourned on April 25th, 16 bills remained on the Order Paper for consideration when the first session of the 53rd Legislature resumes in the fall.

**Donald Forestell**  
Clerk Assistant