



Legislative Reports



Quebec

The fall session ended on 20 December 1996 with the Assembly having passed 47 Public Bills and 12 Private Bills. Among the more noteworthy were the following:

- a bill respecting pay equity, which is designed to eliminate the salary gap due to the systemic gender discrimination suffered by persons occupying positions in predominantly female job classes;
- a bill to amend the *Quebec Highway Safety Code*, in order to introduce new rules with respect to, among other things, driving without a licence or while disqualified and driving while impaired;
- a bill instituting the Administrative Tribunal of Quebec, charged with making determinations in respect of proceedings of full jurisdiction brought by citizens against the administration, and the *Conseil de la justice administrative*, to ensure the ethical conduct of the members of the Tribunal and to examine complaints lodged against any of its members. Consideration of this bill was not completed at the committee stage due to the Government House Leader having tabled a closure motion to end the said proceedings;
- a bill providing for the elimination of the budgetary deficit of

the Government by the year 2000 and for the maintenance of a balanced budget thereafter;

- a bill to establish a disaster assistance fund in order to help the populations from the recognized disaster-stricken regions following the torrential rains that occurred in Quebec in July 1996;
- finally, a bill establishing the *Régie de l'énergie*, a board whose function is to fix the rates and distribution and transmission conditions of Hydro-Quebec and natural gas distributors. It is to be within the exclusive jurisdiction of the new board to examine complaints from consumers who are dissatisfied with a decision made by an electric power or natural gas distributor concerning rates or service conditions.

Amidst a number of procedural questions raised during this period, the Chair was asked to rule on the receivability of a motion moved by the Prime Minister, which reads as follows:

THAT the National Assembly reiterate that the office of Lieutenant-Governor is fundamentally symbolic and is a heritage of the colonial past of Quebec and of Canada;

THAT the National Assembly take into account the fact that the events surrounding the recent appointment of the Lieutenant-Governor of Quebec have proven that the appointment process employed until this day is of a nature to bring about controversy and to interfere with the proper functioning of institutions;

THAT the National Assembly reiterate its role as the guardian of democracy as expressed by the people of Quebec;

THAT the National Assembly express the wish that the office of Lieutenant-Governor be abolished; nevertheless, given that the provisions of the Constitutional Act imposed upon Quebec render impossible the abolition of this office at the current time, the National Assembly requests that the Federal Government henceforth appoint as titular of the office of Lieutenant-Governor the public figure democratically designated by the Assembly.

Several colleagues from the various Parliaments of the Commonwealth were consulted regarding this question and would no doubt be interested in being informed of the decision rendered.

This motion was ruled in order on the grounds that, if it were carried, it would modify neither the Canadian Constitution nor the *Act respecting the National Assembly*, since it merely expresses a wish or desire, which is not prohibited by any rule. Furthermore, it questions neither the conduct nor the character of the current titular of the office of Lieutenant-Governor nor those of his predecessors but rather expresses an opinion of a general nature on the role and the functions of this office.

Moreover, despite the fact that an analysis of the motion reveals that it contains motives and arguments, which is contrary to Standing Order 191, several precedents indicate that the Chair has been quite tolerant regarding this matter. Hence, this question shall have to be re-evaluated within the framework of parliamentary reform.

Regarding this matter, the Speaker of the National Assembly, **Jean-Pierre Charbonneau**, tabled in the House a document containing proposals for a first stage of the reform concerning the timetable and calendar of the Assembly and of the parliamentary committees. The Committee on the National Assembly held a deliberative meeting during which it decided to establish a work group which was asked to submit to the Subcommittee on parliamentary reform recommendations to modify the Standing Orders of the National Assembly. Various measures are foreseen to improve the passage stage of bills and a new schedule should be put to the test upon the resumption of proceedings, in March, with the objective of reducing the evening and night sittings to a minimum.

During the Christmas holidays, as has been the custom for a certain number of years, the Youth Parliament, the Student Parliament and the Student Forum, three events which allow our college and university students to take a hands-on approach to parliamentary life, took place in the National Assembly Room.

Amongst the more notable political events is the election of **Nicole Léger**, the Parti Québécois candidate, in the December by-elections held in the riding of Pointe-aux-Trembles. Mrs. Léger is the daughter of former Parti Québécois Minister, **Marcel Léger**.

During the same period, the Member for Prévost, **Daniel Paillé**, who sat as a Government Member, announced his withdrawal from the political scene. The Members of the Official Opposition, for their part, lost an esteemed colleague, the Liberal Member for Beauce-Sud, **Paul-Eugène Quirion**, who passed away on 24 December 1996.

The party standings of the National Assembly are now as follows:

74 Members of the Parti Québécois; 46 Members of the Québec Liberal Party; 3 Independent Members (one of which is a Member of the Action démocratique du Québec Party); 2 vacant seats.

More recently, on 30 January 1997, **Lise Thibault** was sworn in as Lieutenant-Governor of Quebec, to replace **Jean-Louis Roux**, who resigned from this office on 5 November 1996. In the course of her career, Mrs. Thibault, the first woman to be appointed to this office in Québec, was the host of television programmes of a sociocultural nature and chairman of the Office for Disabled Persons from 1993 to 1995. She is the 27th Lieutenant-Governor of Quebec.

Nancy Ford

National Assembly Secretariat

Translated by Sylvia Ford

Committee Activities

From November 1, 1996 to January 31, 1997, Quebec's parliamentary committees were active in fulfilling various mandates undertaken on orders of referral from the National Assembly or on their own initiative.

As is the case each year the autumn session was very busy. After adjourning for the holidays, the various committees resumed their activities in mid-January. Fifty-two bills were examined during 101 sittings, several of which involved special consultations. In addition, as is the custom every two years, elections were held to assign committee chairs and vice-chairs. Here is an overview of the most noteworthy mandates pursued by each committee.

The Committee on the National Assembly met on November 24 principally to discuss parliamentary reform. It created a working group that is to propose Standing Order

amendments to the subcommittee on parliamentary reform.

The Committee on Culture held five working sessions. It also heard the chairman of Quebec's access to information commission, on the Commission's 1995-96 annual report.

The Committee on Agriculture, Fisheries and Food held two sittings on Bill 53, *An Act respecting reserved designations and amending the Act respecting the marketing of agricultural, food and fish products*.

The Committee on Planning and Infrastructures spent considerable time – 8 sittings totalling more than 36 hours – examining Bill 12, *An Act to amend the Highway Safety Code and other legislative provisions*: nearly 60 organizations and individuals were heard. Bill 43, *An Act respecting off-highway vehicles*, concerned a similar sphere of activity. In the case of these two bills, as well as Bill 59, *An Act to amend the Act respecting the conservation and development of wildlife*, and Bill 67, *An Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions*, special consultations were required before the bills underwent clause-by-clause consideration.

The Committee on Social Affairs examined Bill 35, the *Pay Equity Act*. Employer representatives expressed reservations about the proposed legislation, but it had been long awaited by women's groups. The Committee also completed its general consultation on the reform of the Quebec Pension Plan.

The Committee on the Budget and Administration undertook clause-by-clause consideration, over 4 sittings, of Bill 3, *An Act respecting the elimination of the deficit and a balanced budget*. In December, the Committee also tabled a report following consultations concerning the *Act respecting market intermediaries*.

The Committee on Labour and the Economy held special consultations and undertook the detailed consideration, during 5 sittings totalling more than 31 hours, of Bill 50, *An Act respecting the Régie de l'énergie*.

On December 6, the Committee on Education published a report on the conditions for academic success at the secondary level, entitled *Les conditions de la réussite scolaire au secondaire*, as part of a mandate undertaken on its own initiative. It also devoted 4 sittings to the clause-by-clause consideration of Bill 62, *An Act to amend the Professional Code with regard to the committees on discipline of the professional orders*.

The Committee on Institutions resumed the consideration of Bill 130, *An Act respecting administrative justice*. However, as a result of a closure motion, the bill was brought back before the House before its examination could be completed. The Committee also devoted 6 sittings to special consultations and the detailed consideration of Bill 77, *An Act to amend the Police Act and other legislative provisions*. The long-awaited Bill 61, *An Act to amend the Act respecting the Ministère de la Justice and other legislative provisions concerning the management and disposition of proceeds of crime*, was also examined. In addition, the Committee heard the Minister of Justice on the subject of justice among Native peoples, the Public Protector on his annual report, and the Deputy Minister of International Relations within the scope of the *Act respecting the accountability of deputy ministers and chief executive officers of public bodies*.

Jean-Guy Pelletier
Committee Secretariat



Northwest Territories

Members of the Legislative Assembly opened the Fourth Session with a short four-day sitting at the end of November. The Session was highlighted by the introduction of four bills, commonly known as the Family Law Bills.

Reform in this area began ten years ago when a Ministerial Working Group consulted people in communities across the North. The four Bills put before the House received First and Second Reading in November and were subsequently referred to the Standing Committee on Social Programs for public review. Committee Members are planning to travel to regional centers across the NWT in April, May and June to consult with Northerners.

After a Christmas break, MLAs returned to the House January 21, 1997. Finance Minister John Todd presented his second budget on January 27, 1997 and told MLAs it represents the final stage of the two-year Deficit Recovery Plan announced last year. He also said implementation of the spending plan means the government will return to a balanced budget position.

The 1997-98 budget calls for expenditures of \$1.155 billion, while total revenues are estimated to be \$1.164 billion, marking the first time in four years that the government will not run an annual deficit. Mr. Todd said the government is projecting a small surplus of almost \$9 million for 1997-98.

However, he cautioned Members that the government is not out of the woods yet and that more cost-effective ways of doing business still have to be found due to increased demand for services and programs, primarily in the social program areas.

Legislation

One Bill, *Supplementary Appropriation Act, No. 2, 1996-97*, received passage in the November sitting of the Legislative Assembly. This Bill makes supplementary appropriations for the fiscal year ending March 31, 1997.

Several other Bills are also currently before the House and it is anticipated some will receive passage before the Fourth Session concludes. This legislation includes:

- *Justice Administration Statutes Amending Act*: proposes to make minor amendments to four Acts that relate to the administration of justice in the NWT. The four Acts are the *Fine Option Act*, the *Judicature Act*, the *Jury Act*, and the *Justices of the Peace Act*.
- *Municipal Statutes Amending Act*: amends six Acts that relate to various aspects of municipal governance in the Northwest Territories including a section that will provide for the transfer of GNWT programs and services to municipal corporations.
- *Appropriation Act, 1997-98*: authorizes the government to make operations and maintenance expenditures and capital expenditures for the fiscal year ending March 31, 1998.
- *Forgiveness of Debts Act, 1996-97*: authorizes the forgiveness of debts under Section 25 of the *Financial Administration Act*.
- *An Act to Amend the Student Financial Assistance Act*: amends the Schedule to the *Student Financial Assistance Act* to increase the maximum aggregate of the principal amounts that may be outstanding in respect of all loans made under the Act.

Committees

Following the abbreviated Session last November, Members began two weeks of intensive Committee meetings to review the Draft 1997-98 Main Estimates before breaking for Christmas.

Since returning to the House in January, Committees have continued on-going reviews of budgets, business plans, Bills and other initiatives of the territorial government, including discussions on matters such as affirmative action, the Business Incentive Policy, Access to Information and Protection of Privacy legislation, and a proposal to amalgamate the three infrastructure departments.

The Standing Committee on Social Programs is preparing to launch an intensive review, this spring, of the Family Law Bills. This is one of the key legislative initiatives that Members of the Thirteenth Assembly will undertake during their term in office, apart from matters relating to Division of the NWT, and the creation of two new territories in 1999.

Division Activities

In mid-December the Government of the Northwest Territories provided its response to the second comprehensive report from the Nunavut Implementation Commission. The NIC is a ten-member commission established to advise the federal and territorial governments and Nunavut Tunngavik, the Inuit land claim group, on the creation of the Nunavut territory.

Members of the Nunavut Caucus met February 16 and 17 with **Ron Irwin**, Minister of Indian Affairs and Northern Development, **Don Morin**, Premier of the Northwest Territories and officials from Nunavut Tunngavik Incorporated at the Sixth Nunavut Leaders' Summit in

Cambridge Bay. Leaders agreed that the Nunavut Legislative Assembly will have a minimum of 20 Members and a maximum of 22 and that the first election will be held in January or February, 1999 to ensure an Assembly is in place for April 1.

Gender parity – equal representation for men and women in the Nunavut Legislative Assembly – was one of the more controversial topics discussed at the Summit. Leaders have agreed to hold a plebiscite to allow Nunavut residents to decide whether the Legislative Assembly should have dual-member constituencies based on equal representation of men and women.

In the western Territory, the federal and territorial governments have agreed to fund the Constitutional Working Group through February and March, 1997 which will enable officials to begin public consultations on "Partners in a New Beginning," the Draft Constitution Package released last October. A plebiscite is expected to be held later this year to ratify a revised Constitution and to choose a name for the Western Territory.

Ronna S. Bremer
Public Relations Officer



Manitoba

As reported in the winter edition of the *Canadian Parliamentary Review*, the Manitoba Legislative Assembly sat beyond its anticipated November 7 adjournment date, primarily for the continued consideration of Bill 67 – *The Manitoba*

Telephone System Reorganization and Consequential Amendments Act. This Bill provided for the sale of the Manitoba Telephone System and led to a government and an opposition with very strongly held and opposing views on the bill and its disposition.

Over 185 persons made presentations at the nine Standing Committee meetings held, a high number by Manitoba standards. At one committee meeting, a filibuster by the opposition critic resulted in a meeting that started at 6:30 p.m. on November 5 still going on the next morning, and eventually adjourning at 9:26 a.m. on November 6, another Manitoba first.

Once the bill came back to the House for Report Stage, over 40 amendments were proposed by the Opposition to the Bill, and it began to be obvious that the House might not complete consideration of the Bill before the end date for the session which was specified in the provisional rules as being November 28. The Government House Leader raised a point of order in the House on November 18 asking for an interpretation of the provisional rule which states that all government bills would normally receive a vote not later than the last day of the fall sittings of the Legislature (November 28). On November 21, the Speaker ruled that in order for the House to complete all of the business before it by the end of the fall sittings, that she would schedule votes on Report Stage and Third Reading on November 27 and 28 respectively. The votes were held on those days. Royal Assent was then granted to Bill 67 by the Lieutenant Governor, and the House was prorogued.

The date for the opening of the Third Session of the 36th Legislature was set for March 3, 1997.

SENATE



In the days immediately preceding the December adjournment, the Senate concluded consideration of five government bills. While these bills dealt with important topics none of them generated significant controversy or sustained opposition. All went through committee study without amendment and were subsequently adopted and passed by the Senate. Of the five, Bill C-63 will probably have the most immediate impact on citizens in the coming months. It amended the *Canada Elections Act* as well as the *Parliament of Canada Act* and the *Referendum Act*. Among other things, the bill authorizes the establishment of a permanent register of electors. It also reduces the general election period from 47 days to 36 and institutes a staggered voting schedule so that an election outcome could not be determined before all polls have closed across the country.

Another bill was the object of considerable debate at third reading. Bill C-45 amends section 745 of the *Criminal Code* dealing with judicial review of parole ineligibility. The purpose of this bill is to make the process of obtaining a parole more difficult for anyone convicted of murder or high treason after they have served fifteen years of a life sentence. Under the terms of the Act, the jury authorized to consider a parole request now must reach a unanimous decision rather than the two thirds vote required previously, and, in the case of multiple

or serial murderers, any rejection by the jury will not be subject to judicial review. Indeed, the bill provides that any application for court review will have to be screened first by a judge to determine if it has a reasonable chance of succeeding before the application could proceed to a full hearing.

In its report on the bill, the Legal and Constitutional Affairs Committee added an observation which proposed that the Minister of Justice take whatever measures are available to advise victims' families of the changes to section 745.

The three other bills that were adopted by the Senate involved amendments to the *Labour Code* respecting minimum wage (Bill C-35), the implementation of a free trade agreement with Israel (Bill C-61) and a bill consolidating responsibilities within federal jurisdiction for the better management of Canada's oceans (Bill C-26). All five bills became law December 18, 1996 when the Chief Justice of the Supreme Court came to the Senate as the Deputy to the Governor General to give Royal Assent to them.

When the Senate came back in early February, it found itself again the focus of media attention as it struggled with controversial aspects of Bill C-41, a proposal to amend a series of related Acts including the *Divorce Act*. When the bill had been debated at second reading in late November, there had been little to suggest that the bill would become so controversial. In sponsoring the bill, Senator Rose-Marie Losier-Cool spoke about the basic intent of the bill which is to establish a framework for the use of guidelines to calculate child support which would be instituted subsequently through regulations and to provide new mechanisms to improve the enforcement of support orders. With respect to the new enforcement mechanisms the Senator

mentioned how the data bases of Revenue Canada could be used to track down defaulting support payers and how the denial of passports and certain federal licenses could be used as an effective enforcement tool.

Senator Anne Cools also participated in the debate to urged reconsideration of the premises of the bill in order to concentrate on the care needed by the children of divorced parents. Senator Duncan Jessiman expressed general support for the bill, but he did have some reservations about the intent to disallow support payments as a deductible income tax expense.

The bill was then examined by the Standing Committee on Social Affairs, Science and Technology. The Committee held eleven meetings over a period of two months and heard from the Minister of Justice, officials from the department and a number of witnesses speaking for themselves or representing different groups interested in the bill. At its final meeting, February 12, the Committee adopted three amendments to the bill which were reported to the Senate the same day. The three amendments delete the statutory requirement for a non-custodial parent to provide post-secondary education, ensure that the guidelines recognize the obligation of both parents to support their children and allows for the adjustment of support payments in cases of shared custody. The report also contained as appendices three letters the Committee received. The first was from the Minister of Justice supporting a commitment to establish a joint parliamentary committee this session to study access and custody issues in the *Divorce Act*, a second from the Deputy Minister of Justice agreeing to make certain changes to the draft guidelines and a final one from the Government Leader in the Senate, confirming

support to the proposal to allow the Social Affairs Committee to monitor the implementation and application of the bill.

The Senate proceeded to consider the adoption of the report on Bill C-41 immediately after it was presented. The Chairman of the Committee, Senator **Mabel DeWare** explained the purpose behind the three amendments. She also noted the general dissatisfaction of the Committee which had been required to work through this complex social legislation without adequate time to do the job properly. Following some additional comments, the Senate adopted the report and debate on third reading took place the next day, February 13.

During the course of his remarks, Senator Jessiman reviewed a series of questions, some of the history surrounding the examination of the bill, and the objections he still had to parts of the bill. Despite any reservations, he felt that the Senate should vote for the bill as amended. During the course of her remarks, Senator Cools proposed three other amendments which were subsequently negated in a recorded vote 17 to 34. Bill C-41 as amended by the committee report, was read a third time and passed on division.

On February 13 the Senate also adopted Bill C-5 dealing with the *Bankruptcy and Insolvency Act* and two other related statutes. The bill had originally come from the House of Commons in late October, 1996 and received second reading before the end of the same month. It was not reported out of Banking, Trade and Commerce, however, before February 4 when the Chairman, Senator **Michael Kirby**, presented the Committee's proposals to amend the bill. In addition to the eleven amendments, the Committee report included a twenty-seven page document outlining the Com-

mittee's observations and recommendations concerning a broad range of issues relating to consumer bankruptcy.

In speaking to the report February 12, Senator Kirby explained why they had rejected certain proposals made to the Committee by several witnesses and he also described briefly the process of consensus that led to the formulation of the fourteen draft amendments to Bill C-5 and how the Committee next proceeded to work out a negotiated agreement with the Government on the ten amendments recommended in the report. Both he and Senator **David Angus** who spoke on the report the following day, acknowledged that while Bill C-5 makes substantial progress in the area of bankruptcy law, much still remains to be done. The Committee is committed to reviewing other aspects of the part of the law next year when the *Canada Business Corporations Act* comes again before Parliament. Bill C-5 as amended and passed by the Senate was then returned to the House of Commons for its consideration.

Most enacted legislation in Parliament emanates from the Government. This is because non ministerial parliamentarians, either from the Senate or the House of Commons have limited opportunities to initiate substantive bills since they usually involve an expenditure which, in turn, requires a royal recommendation that can only be obtained by a Minister of the Crown. In addition, Senators are further handicapped because any bill involving an expenditure by the Government must originate in the House of Commons.

This limitation on the right of members to bring in bills that appeared to require government funding was the basis of the point of order raised by Senator **Richard Stanbury** to a bill introduced by

Senator **David Tkachuk** The bill in question is Bill S-12, an *Act providing for self-government by the First Nations of Canada*. The Speaker ruled on the point of order the very day that the Senate returned from the Christmas adjournment. After reviewing the arguments that had been made, the Speaker, **Gildas Molgat**, rejected the point of order. He stated that he could find no part of the bill that actually appropriated any money from the Consolidated Revenue Fund. Even with respect to portions of the bill that implied a possible expenditure, the Speaker noted that no facts had been presented to determine whether this would be financed through a new charge or through existing appropriations already authorized under another Act. Without sufficient evidence that Bill S-12 as drafted provided an appropriation or created a new charge, the Speaker concluded that he had no authority to prevent debate on the bill. "Accordingly, its fate rests with the Senate itself." (Editor's note: The text of this ruling will appear in the summer issue). Two weeks following this decision, Bill S-12 received second reading and was referred to the Aboriginal Peoples Committee.

On December 10, the Speaker made a ruling explaining the practice relating to the debate on non-government items on the *Order Paper* that had been adjourned in the name of a particular Senator. The Leader of the Opposition, Senator **John Lynch-Staunton** had raised the question on a point of order December 4. The Speaker ruled that while the item stands adjourned in the name of a designated Senator, it does not mean that the item cannot be debated without the Senator's consent whenever the item is called at a subsequent sitting. On the contrary, the Senator who adjourned the item has only reserved the right to speak on it first when the item is

called, but that right is forfeited if the Senator declines to speak when another expresses a desire to debate the motion. Should the item be again adjourned, the Senate can agree to let it stand in the name of the Senator who had previously adjourned it or it can be adjourned in the name of the Senator who adjourned the debate that day.

In another ruling, made December 16, the Speaker declared out of order the proposal of Senator Noel Kinsella to amend the motion of Senator Colin Kenny to refer Bill C-29, the MMT bill, to the Committee on Energy, the Environment and Natural Resources. The purpose of the amendment was to authorize the Committee to prepare an interim report answering certain questions about a chemical additive to gasoline before reporting the bill. The Speaker explained that the motion to refer a bill to a committee is moved without notice or amendment following adoption of second reading. Any amendment proposed to a motion referring a bill to committee would be out of order. Moreover, the Speaker observed that in this particular case, the amendment had the character of a substantive motion which would normally require notice. In the end, the bill was referred to the Committee and the motion seeking an interim report was moved separately.

Finally, the Speaker made a comment following an attempt by Senator Lowell Murray to move a motion referring the subject of the Somalia incident to the Committee on Foreign Affairs. Because the motion sought to refer "the question of the adequacy of response of the chain of command of the Canadian Forces ...", Senator Murray claimed that no notice was required since, according to rule 59(2) the "referral of a question to a committee" does not require notice. The Speaker replied that notwithstanding the

Senator's claim, one day's notice is required. The Senate, however, permitted the motion to proceed by leave without notice. The next day, February 13, when the motion was called for debate, the Speaker reiterated his position that the motion was in reality a substantive motion that required notice. Senator Murray, for his part, acknowledged that he had inadvertently misinterpreted the rule.

Charles Robert
Deputy Principal Clerk
Table Research and
Journals Branch
The Senate



On November 19 the Reform Party raised a point of order questioning the procedural acceptability of amendments made by the Senate to Bill C-42, an *Act to amend the Judges Act*. The Government had given notice of a motion that the amendments be read a second time and concurred in. The Reform Party argued that the amendments were appropriate to a private bill, but not to a public one, since they would introduce provisions dealing with a single individual. After hearing comments from the Government, Speaker Gilbert Parent ruled that the Speaker of the House of Commons could not judge the procedural acceptability of what is done in the Senate and that it was for the House itself to decide whether it ac-

cepted the amendments. The Reform Party subsequently moved an amendment to the Government motion to declare that the House of Commons disagreed with the Senate amendments in part for the reason given in their point of order. Another Member of the same party then proposed a subamendment asking the Senate to respond to the House's message by June 19, 1997, but the Chair ruled the subamendment out of order on the grounds that it seemed to be an order to the Senate and introduced an element foreign to the amendment. The Reform amendment was defeated and the Government motion carried.

In the last issue it was reported that the Government had questioned the procedural acceptability of a motion moved on November 4 by Jack Ramsay that would deem Bill C-234 to be reported to the House without amendment on the tenth sitting day after the motion's adoption. The Speaker had reserved his decision. Bill C-234, a private Member's bill introduced by John Nunziata to amend the *Criminal Code*, had been deemed referred to the Standing Committee on Justice and Legal Affairs on March 12, 1996, when it was reinstated from the first session. The Committee had subsequently decided on two occasions not to report the bill to the House.

In his ruling on November 21 the Speaker found that the motion was procedurally acceptable and compared it to the procedure of referring estimates to standing committees while deeming them to be reported within a specified time and the use of time allocation at committee stage, which also deems bills to be reported without amendment by a specified time. On December 12 Mr. Ramsay moved his motion and, following a brief debate, the motion was defeated on a recorded division.

On February 12 the Speaker interrupted a question addressed to the Minister of National Defence, whom **Chuck Strahl** accused of being involved in a "cover-up" by closing down the Somalia inquiry. After Question Period the Speaker asked Mr. Strahl to withdraw the accusation and named him for disregarding the authority of the Chair when he refused to do so. Mr. Strahl was then ordered to withdraw from the House for the remainder of that day's sitting. This is the second time in this session that the Speaker has named a Member.

Committees

The Standing Committee on Health held marathon sessions between December 5 and 11 to consider Bill C-71, the tobacco bill, and report it to the House before the Christmas adjournment. But some standing committees were at work even during the adjournment period. The Finance Committee met in January to study Bill C-70, the bill to create a harmonized sales tax. The Committee was thus able to report the bill when the House returned on February 3. A sub-committee of the Standing Committee on Justice and Legal Affairs also met in January to consider the draft firearms regulations tabled by the Government, and the Committee's report was tabled on February 21. Other committees meeting in January were the Standing Committee on Environment and Sustainable Development, considering Bill C-65 for the protection of wildlife species in Canada from extirpation or extinction, and the Standing Committee on Transport, continuing its study on transportation, trade and tourism.

Other Matters

On December 2 the Government introduced the same constitutional resolution amending the Terms of

Union of Newfoundland with Canada that the House of Commons had adopted in June 1996. This was made necessary because the Senate had not adopted an identical resolution within the time provided under the Constitution Act, 1982. On December 4 the resolution was adopted a second time without amendment on a recorded division.

The House passed a Government bill that will affect the way federal elections are conducted. Bill C-63 establishes a permanent register of electors and shortens the election campaign period. The bill was amended to include provisions based on Bill C-307, a private Member's bill introduced by **Anna Terrana**, to stagger polling hours so that an election will not be declared decided before the West has voted. Bill C-63 was before the Senate when the House adjourned for seven weeks on December 13, and it was widely reported that the House would be recalled just before Christmas to consider any amendments made by the Senate. That did not occur and the bill received the Royal Assent on December 18.

Two private Members' bills were given third reading and passed by the House in the period from mid-November to mid-December, and both received the Royal Assent on February 19, 1997. Bill C-270, sponsored by **Peter Milliken**, amends the *Financial Administration Act* regarding the use of Governor-General's warrants when the House of Commons is not sitting. And Bill C-202, introduced by **Dan McTeague**, provides for the establishment of a National Organ Donor Week in Canada.

Thomas Hall
Procedural Clerk

House Proceedings and
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Directorate



British Columbia

The British Columbia Legislative Assembly has been adjourned since August of last year and is now preparing to begin the second session of the 36th Parliament. During this time, a number of notable events have occurred, and several legislative committees have been active.

An ongoing issue that has garnered significant attention is the attempt by a Kelowna businessman to sue the governing New Democratic Party. His lawsuit alleges that government members committed fraud under the *Election Act* by knowingly disseminating inaccurate information about the state of the province's finances. Legal counsel for the NDP contested the validity of the suit, but on February 28th a Supreme Court Justice decided that it could proceed. This would mark the first time in Canada that a government has been sued by a citizen over claims made during an election campaign.

The cabinet of Premier **Glen Clark** was given a small shuffle late in 1996 following the resignation of Education Minister **Moe Sihota**. He resigned in December following an investigation into phone calls he made to the Motor Carrier Commission on behalf of a friend, Liberal MP **Herb Dhaliwal**, who had applied for a limousine license. **Paul Ramsey** moved over to Education, while two new faces appeared at the cabinet table: **Cathy McGregor**, a Kamloops MLA who takes over the Environment portfolio, and **Mike**

Farnworth from Port Coquitlam, who is responsible for Municipal Affairs and Housing.

Committees

In early March, the Select Standing Committee on Aboriginal Affairs concluded Phase II of its extensive public hearings schedule. The committee, charged with making recommendations on the Agreement-in-Principle with the Nisga'a people and on the treaty process in general, held 30 public hearings and received over 500 submissions from a wide range of aboriginal and non-aboriginal witnesses. The committee will present its report to the House in late March or early April.

On January 31, the Citizens' Panel released its report on compensation to Members of the Legislative Assembly. The Panel, composed of five private citizens, was appointed last September and charged with reviewing MLAs' base pay and allowances and recommending a pension plan or equivalent. The Panel's report recommends raising Members' salary from a current base of \$32,812 plus \$16,406 tax-free allowance to a straight taxable level of \$69,900. The report also recommends increases to Members' constituency office, communication, and sessional accommodation allowances. The Panel recommends eliminating committee salaries of \$100 per meeting and increasing the deduction for absence from House to \$300 per day. The report is currently before the Legislative Assembly Management Committee (LAMC), which is responsible for deciding upon implementing the report.

The Parliamentary Reform committee has received and begun reviewing applications for the position of Members' Conflict of Interest Commissioner. The Forests

Committee continues its examination of the annual business plan of Forest Renewal BC, a crown corporation created to reinvest funds into the province's forest industry. The Special Committee on the Response to the Gove Report has been monitoring changes in British Columbia's child protection system, particularly the mandate and organization of the Ministry of Children and Families, created last fall. The Public Accounts Committee has met several times since the New Year, examining a number of reports issued by the Auditor General's Office.

Neil Reimer
Committee Clerk



Ontario

Recent months of the Ontario Legislative Assembly's 36th Parliament, 1st Session have provided interesting notes for parliamentary history books. In the course of two weeks in the fall of 1996, the Assembly had three different Speakers. In January 1997, the House was summoned for an extraordinary sitting to consider legislation restructuring municipal and provincial government. And a landmark Speaker's ruling found that a *prima facie* case of contempt had been established respecting Ministry advertising that would "appear to diminish the respect that is due to the House."

The Three Speakers

At the opening of the fall sessional period, the Clerk of the House, **Claude DesRosiers**, informed the House of the "unavoidable absence of the Speaker." Behind the simple public announcement lay the turmoil that beset the office of Speaker and the House after publication of certain allegations regarding the chief presiding officer. The Deputy Speaker, **Bert Johnson**, presided in the absence of Speaker **Allan McLean**.

Two days later, the Clerk informed the House of the resignation of the Speaker, and oversaw the uncontested election of an interim successor, **Ed Doyle**. Speaker Doyle thanked the House for this "incredible honour" and acknowledged that his time presiding would "be short". By prior, informal agreement among all parties, Speaker Doyle resigned after one week.

The Clerk again called upon members to elect one of their own as Speaker according to the election process first set out in Ontario's Standing Orders in 1989. Eight members were nominated: **Margaret Marland**, **Gilles Morin**, **Deryn Shea**, **Jack Carroll**, **Chris Stockwell**, **David Tilson**, **Gary Leadston** and **Floyd Laughren**. Through five and a half hours and seven ballots, nominees were dropped one by one until the final result was announced. The Clerk advised members that they had elected as their Speaker, **Chris Stockwell**.

After thanking members and his fellow candidates, Speaker Stockwell expressed his hope, as previous Speakers had, that "this will be a less rowdy place to be." The three party House Leaders offered their best wishes and, in the case of **Bud Wildman**, their regret at the loss of the former backbencher's "insight-

ful and energetic interventions in the debate."

New Opposition Leaders

On Monday, 2 December 1996, the Speaker advised the House that **Dalton J.P. McGuinty** was recognized as Leader of Her Majesty's Loyal Opposition. His selection as Liberal leader to replace **Lyn McLeod**, party leader since 1992, had occurred the previous weekend at an unusually long convention. From a fourth place start on the first ballot, Dalton McGuinty was victorious over **Gerard Kennedy** when fifth ballot results were announced at 4.30 a.m. Mr. McGuinty had served as Liberal member for Ottawa South since his election in 1990. During his first term in opposition, he served as critic for the Energy, Colleges and Universities, and Native Affairs portfolios.

Prior to the naming of the new Official Opposition Leader, the New Democratic Party had previously chosen a new leader at their leadership convention in May 1996. **Howard Hampton** succeeded former party leader, **Bob Rae**. First elected in 1987, he had served in Mr. Rae's cabinet as Attorney General (1990-1993) and as Minister of Natural Resources (1993 to 1995).

Resignation and Reinstatement of Minister

On 9 December 1996, the Minister of Health, **Jim Wilson** (Simcoe West) tendered his resignation as Minister pending completion of an investigation by the Ontario Information and Privacy Commissioner. His portfolio was assumed by the Chair of Management Board and Government House Leader, **Dave Johnson** (Don Mills). Mr. Wilson's departure followed that of his former communications assistant after a Toronto newspaper reported the alleged disclosure of a named medical doctor's

status as "Ontario's Number 1 biller" to the provincial health insurance plan.

The Information and Privacy Commissioner, **Tom Wright**, presented his special report to the Legislative Assembly on 20 February 1997. The Commissioner found that "personal information" had been disclosed contrary to Ontario's *Freedom of Information and Protection of Privacy Act*. However, the investigation also concluded that the disclosure was made on the initiative of the individual staffer and not with the knowledge of, or at the request of, the former Minister, any other Minister's office, or Ministry staff. On Friday, 21 February, Mr. Wilson was again sworn in as Ontario's Minister of Health.

"Who Does What" Session

In a statement to the House on 4 December 1996, Premier **Michael D. Harris** (North Bay) reviewed the implementation and results of the government's agenda to date. In the pursuit of achieving less government spending, removing barriers to growth and investment, and doing better for less, the government had set up the "Who Does What" panel under **David Crombie**. The panel reviewed issues of governance and provided recommendations on ending waste and duplication between the province and municipalities. With final recommendations then expected shortly, the Premier pledged to introduce legislation promptly for consideration at a special "Who Does What" session of the Legislature, beginning on Monday, 13 January 1997.

In response to the Premier's statement, both Opposition leaders criticized the government for cutting spending on health care, education, women and the disabled. Liberal leader Mr. McGuinty stressed the

importance of applying not just a fiscal test but also a moral, compassionate test to government. NDP leader Mr. Hampton welcomed the special winter session as a chance to hold the government accountable.

The stage was set for the so-called "mega-week". During the first four days of the special winter session period, a co-ordinated series of eleven ministerial announcements were made outlining the government's proposed legislative and administrative responses to the "Who Does What" panel.

At the outset, the Minister of Municipal Affairs and Housing, **Al Leach**, set the context for the week's announcements. He informed the House that education funding would be taken off the residential property tax and made a provincial responsibility. The Minister had previously (on 17 December) introduced Bill 103, *An Act to replace the seven existing municipal governments of Metropolitan Toronto by incorporating a new municipality to be known as the City of Toronto*.

John Snobelen, Minister of Education and Training, introduced Bill 104, the *Fewer School Boards Act*. The Bill proposes replacement of the existing 129 major school boards with 66 new "District Boards", effective January 1, 1998, comprising 29 public, 26 separate (Roman Catholic), and 11 francophone boards. The number of trustees would be cut from almost 1,900 to approximately 700. Trustees' full-time salaries would be eliminated, to be replaced by an optional honorarium of up to \$5,000 per year. And every school would be required to have an advisory school council.

On the second day, 14 January, the Minister of Community and Social Services, **Janet Ecker**, announced the re-arrangement of provincial and municipal responsibilities for social and community health services. The funding of wel-

fare, child care and long term care would be cost-shared on a 50/50 basis. Responsibility would be fully transferred to municipalities for: management and funding of social housing; local public health programs; and delivery and financing of land ambulance services. The province, it was stated, would assume responsibility for full funding of Children's Aid Societies and women's shelters. As well, the province would set up a Municipal Social Assistance Reserve (initially \$700 million) as a safeguard against unforeseen local economic circumstances.

Wednesday's statements by the Ministers of Transportation, Environment and Energy, Citizenship, Culture and Recreation, and by the Attorney General saw more proposed transfers of responsibilities to the municipal level. These transfers included: delivery of local transportation services; full funding of municipal transit, municipal airports, GO Transit (the greater Toronto area's interurban commuter system), and local highways and ferry services; water and sewage treatment plants; library services; and administrative and limited prosecutorial responsibilities for minor regulatory offences.

On the fourth day, the Deputy Premier and Minister of Finance, **Ernie Eves**, introduced the *Fair Municipal Finance Act*. The bill would create a municipal property tax system based on currently assessed values, to be updated regularly. The bill would also: cut property taxes for farmers and woodlot owners; exempt conservation areas; eliminate the business occupancy tax; and simplify assessment appeals.

Opposition members criticized the scope and pace of the government's restructuring proposals, many of which were termed "downloading" or "offloading". They were also critical of the process

by which they saw major changes being implemented with inadequate public consultation or background studies. Liberal **Gerry Phillips** estimated that "about \$6.8 billion of former provincial government responsibility" was to be transferred to local property taxes. The NDP leader predicted that "municipalities will be stuck in the position where they will either have to increase their property taxes significantly as our population gets older, or they will have to cut those important health care services."

One of the most contentious of all the bills considered by the House and its committees during the "Who Does What" session was the proposal to restructure municipal government in the Metropolitan Toronto area. Bill 103 was referred to the Standing Committee on General Government on 30 January for consideration pursuant to a time allocation motion passed on 29 January. During the course of five weeks of public hearings at Queen's Park, the Committee heard approximately 600 oral presentations. The Committee conducted clause by clause consideration on Thursday, 6 March, and agreed to report the Bill to the House without amendment. According to the time allocation motion, further clause by clause consideration is scheduled to occur in the Committee of the Whole House for one hour after the Legislature resumes on 1 April following a brief recess.

Among the many points of order and privilege raised in the context of "mega-week" were two questions of privilege relating to government advertising that led to an unprecedented ruling by Speaker Stockwell. (For the complete text of this ruling see pp. 34-36 in this issue of the *Review*.) At the conclusion of his ruling, the Speaker invited the member for Oakwood to place a motion with

respect to one of the questions. Mr. Colle moved:

That the Government be censured by the House for its contemptible advertising campaign and that the matter be sent to the Standing Committee on the Legislative Assembly for its consideration.

The ensuing debate saw further points of order, a further ruling by the Speaker that the motion was in order, a proposed amendment to restrict the scope of the motion that was subsequently withdrawn, and an apology by the Minister of Municipal Affairs and Housing, **Al Leach**. At the conclusion of a second day of debate, the motion was defeated.

New Lieutenant Governor

On Friday, 24 January 1997, the Ontario Legislative Chamber was the setting for the installation of Ontario's 26th Lieutenant Governor, **Hilary M. Weston**. The Oaths of Allegiance and Office were administered by the Chief Justice of the Ontario Court of Justice, **Patrick J. LeSage**. Her Honour replaces the former Lieutenant Governor, **Henry N. R. (Hal) Jackman**. Before assuming the vice-regal post, Mrs. Weston served as Deputy Chair of Holt Renfrew for 10 years, and contributed to other commercial activities and board positions. An author and philanthropist, Mrs. Weston also founded the Ireland Fund of Canada in 1979.

Resignation of Member

A 23-year veteran member of the Assembly, New Democrat **David Cooke** resigned his seat on 31 January. Mr. Cooke was named co-chair of the Education Improvement Commission. He served as Minister of Education and Training during the last parliament.

Douglas Arnott
Committee Clerk