
Legislative Reports



New Brunswick

The Second Session of the 53rd Legislative Assembly, which opened November 26, 1996, adjourned December 19 for a two-week Christmas recess and reconvened on January 7, 1997. The House adjourned on January 17 to allow for public hearings on a White Paper proposal for a new *Education Act*. The House reconvened on February 4 and continued until prorogation on February 28, 1997, for a total of forty sitting days. The Government maintained a heavy legislative agenda, bringing forward 91 Bills during the session, all of which received Royal Assent. Among the measures adopted were the following.

Bill 23, *An Act to Amend the Municipal Assistance Act* was introduced by Municipalities, Culture and Housing Minister **Ann Breault**. The legislation provides the framework for the implementation of a new formula for calculating the amount of unconditional grants to municipalities. The Bill underwent intense scrutiny in the House and was the subject of a prolonged opposition filibuster and two rulings.

The government maintained that the new formula would provide a more equitable method of distributing funds to the various municipalities and result in more funding to those communities that need it most. Some communities, however, would see a drop in the funding they receive from the provincial government. The Bill proposed to put the actual mechanics of the formula into regulation. However, after intense debate, the government introduced an amendment incorporating the new formula into the body of the Act.

Bill 44, implementing the new 15 per cent Harmonized Sales Tax, was introduced in the Legislature on February 4 by Finance Minister **Edmond Blanchard**. Opposition parties delayed passage of the Bill for over two weeks, reviewing components of the Bill clause-by-clause in Committee of the Whole. In response to a proposal by Opposition Leader **Bernard Valcourt**, the Bill was amended to require that any change in the rate of tax or in the tax base would require the Minister to introduce a resolution in the Legislative Assembly. The new 15 per cent Harmonized Sales Tax came into effect April 1st in New Brunswick, Nova Scotia and Newfoundland and replaced the federal Goods and Services Tax and Provincial Sales Tax.

Bill 71, the Province's new *Clean Air Act*, sets new controls on air pollution and provides inspectors with greater powers to deal with pollution problems. The Act supports and promotes the protection, resto-

ration, enhancement and wise use of the environment.

Bill 77, the *Education Act*, introduced by the Minister of Education **James Lockyer** on February 18, replaces elected school boards with school-based parent councils and provincial boards of education. Introduction of the bill followed five days of public hearings in January by the Standing Committee on Law Amendments. The Committee reviewed the government White Paper, *Proposal for the New Brunswick Education Act*, which outlined the framework of the proposed new *Education Act*. Over 100 groups or individuals appeared before the Committee or submitted written briefs.

Six Private Bills were introduced during the session of which five received Royal Assent. Among the bills passed was Bill 59, *An Act to Amend an Act Respecting the New Brunswick Medical Society and the College of Physicians and Surgeons of New Brunswick*, which includes provisions establishing a code of conduct for medical doctors to guard against sexual abuse of patients.

NDP Leader **Elizabeth Weir** introduced four Private Member's Public Bills, including a proposed *Charter of Environmental Rights and Responsibilities* which would provide legal guarantees of rights to clean air and water. A Bill entitled *Public Participation Act* would ensure that citizens can freely exercise their democratic rights of freedom of speech, freedom of association and demonstration, and would prohibit harassment lawsuits against

environmental groups, activists or citizens organizations. None of the four bills introduced by the NDP Leader passed the second reading stage.

The First Report of the Standing Committee on Procedure tabled November 27, 1996, recommended a change in the Assembly's sitting hours. With relatively minor variations, the present schedule had been in operation since 1988, with the House frequently sitting until 11:00 p.m. and resuming the following day at 8:30 a.m. The adjusted hours will allow continues to sit Tuesday through Friday but will sit only one evening per week – Thursday. Under the new schedule the House sits at 1 o'clock p.m. on Tuesdays but retains the early 8:30 o'clock morning start time Wednesday through Friday.

The House also concurred with an opposition recommendation that the government consider providing advance budget briefings to the Official Opposition and its staff on budget day. The practice has been that budgetary information is made available to the press under strictest secrecy, several hours before the budget is tabled.

Committees

The Select Committee on Demographics submitted a report that examines and evaluates public policy implications of demographic changes and emerging trends on New Brunswick as it enters the twenty-first century. The report identifies future demographic changes and their potential policy implications for the province. The report contains recommendations dealing with declining births, aging population, low immigration, and the distribution of the population across the province.

The Final Report of the Select Committee on Electoral Reform

outlined 63 recommendations aimed at improving and modernizing the electoral process in New Brunswick by simplifying and standardizing the election process, by making it easier for citizens to cast a ballot, by giving the Chief Electoral Officer increased discretion in determining voting procedures, and by opening the door for the use of new technologies. One major recommendation is the development of a continuous Registry of Electors to serve for all elections and remove the necessity of mandatory enumeration. However, the Committee recommended that enumeration not be eliminated entirely, but that it be retained as an optional method to be used in exceptional circumstances, at the discretion of the Chief Electoral Officer.

The Final report of the Select Committee on Gasoline Pricing was submitted on March 26. The Committee was appointed in response to a general dissatisfaction with the level of gasoline pricing in the province and a concern that gasoline prices were not reflecting the province's relatively low rate of motor fuel tax. The Committee carried out an in-depth review of factors relating to gasoline pricing, including a review of all price components and taxation levels relative to other jurisdictions and made recommendations aimed at identifying the type of environment that will enable the province's gasoline market to work to the benefit of consumers.

The Standing Committee on Law Amendments was active during the session, holding public hearings to review a number of bills and discussion papers. The Committee examined and reported on such diverse issues as hospital corporation accountability, proposed new privacy legislation, educational reform and a new *Clean Air Act*.

Elvy Robichaud resigned as Chair of the Standing Committee on

Public Accounts to take up the position of Opposition House Leader. **Dale Graham** was elected to Chair the Committee.

Cabinet Changes

On February 5, **Albert Doucet** resigned as Minister of State for Mines and Energy. In March, Mr. Doucet was suspended from the government caucus for public comments he made in relation to his portfolio.

On March 20, Minister of Justice and Attorney General **Paul Duffie** announced that he was stepping down from Cabinet in order to spend more time with his family. He was first elected in 1987 and has served as Minister of Education and Minister of Municipalities, Culture and Housing. He will continue to represent Grand Falls Region in the House. **Bernard Richard**, Minister of Intergovernmental and Aboriginal Affairs, will serve as acting Minister of Justice and Attorney General.

Donald Forestell
Clerk Assistant



Saskatchewan

The Second Session of the 23rd Legislature opened with a Speech from the Throne on March 6, 1997. Six priorities were identified by the Government as the focus of the new session:

- investing in jobs and the economy;

- investing in the quality of education and training;
- investing in children and reducing child poverty, both as part of a far-reaching and progressive welfare reform;
- ensuring a secure, stable health system;
- renewing the province's highways and transportation system; and
- preserving fiscal responsibility.

The creation of jobs was cited by both opposition parties as a priority for the coming session. The Progressive Conservatives maintained that the key to job creation was tax relief, reiterating their 1995 campaign call for the Provincial Sales Tax to be reduced to 7% from 9%. The Liberals indicated that they would raise the public's concerns over health care, education and the condition of highways and further that they would hold the government to their promises in these areas.

Budget

Saskatchewan's fourth consecutive balanced budget was tabled by Finance Minister **Janice MacKinnon** on March 20th. The budget outlined the three components to the government's fiscal plan: balancing tax reduction with strategic new investments in people, health and education and reducing the province's long-term debt.

The Liberal Opposition noted that even after the tax cuts, Saskatchewan residents continue to pay more in taxes than when the NDP came to power and that the increased spending on health and education would not cover inflationary and personnel costs. Of further significance was the 2% reduction in the provincial sales tax from 9% to 7%. This had been a major feature of the Progressive Conservative party's platform and

was cited as the reason why three PC members, led by leader **Bill Boyd**, voted in favour of the Budget Address.

Committees

The Standing Committee on Crown Corporations is celebrating the 50th anniversary of its first series of meetings in 1947. The passage of *The Crown Corporations Act* in 1945 greatly increased the number of government-owned entities. The Standing Committee on Crown Corporations was created as the venue for the post-facto examination, similar to the scrutiny that took place in the Standing Committee on Public Accounts at the time. The committee did not commence its regular review agenda until 1947 as many of the Crown corporations' had not completed a full year's operation until then. The Committee devoted 1946 to finalizing its terms of reference and reviewing what financial records did exist to that date.

The Standing Committee on Public Accounts recently elected a new chair. **Gerard Aldridge** assumed the chair on January 6, 1997 following the resignation of **Rod Gantefer**. Mr. Gantefer has relinquished his membership on the committee.

Renovations to Legislative Building

The passage of time and the extremes of prairie weather have taken their toll on the Legislative Building. Cracks have appeared in walls throughout the building and stone fragments have fallen off the exterior. The foundation beneath the North, South and East wings is shifting, putting additional stress on the foundation of the Dome. As a result, the Saskatchewan Property Management Corporation has announced that a restoration project

will begin later this year to address these major structural deficiencies.

The Legislature was built between 1908 and 1912 with a final cost of construction of approximately \$1.8 million. Other than ground floor renovations in the 1960's and 70's and the reinforcement of the West wing foundation in 1983, no substantive structural work has been done. The project is expected to last four years with \$5 million designated for 1997 phase alone. The restoration will also afford an opportunity to upgrade the building's fire code and handicap accessibility standards. Some offices will be relocated during the project and some roadways restricted but legislative and public access will not be diminished.

New Member - New Positions

The start of the new session saw **Jack Hillson** introduced into the Assembly as the new member for North Battleford. Mr. Hillson won a by-election last November. Also in November, **Jim Melenchuk** was elected as the new leader of the Liberal Party in Saskatchewan, assuming the role **Ron Osika** had filled on an interim basis. Because Mr. Melenchuk does not hold a seat in the legislature, **Ken Krawetz** is the recognized Leader of the Opposition while **Rod Gantefer** is the Opposition House Leader.

On April 25th **Andy Renaud** announced his resignation as Minister of Highways and Transportation effective April 28, 1997 citing health reasons. **Clay Serby**, Minister responsible for the Saskatchewan Property Management Corporation and the Liquor and Gaming Authority has added the Highways and Transportation portfolio to his duties for the interim.

Internet Web Site

On February 24th, the Legislative Assembly launched its presence on the Internet at www.legassembly.sk.ca. The site contains a wide variety of information including educational materials for school children, information on visits to the Assembly, services provided by the Legislative Library, the addresses of elected Members and links to their caucus web pages. The administration of the Assembly is outlined while the Provincial Auditor, the Ombudsman and the Children's Advocate have provided reports and facts on their offices.

During legislative sittings, daily updates of the *Order Paper*, *Votes and Proceedings*, *Hansard*, first reading bills, progress of bills and consideration of the estimates will appear on the web site. Committee minutes, reports and verbatims and legislative publications from previous sessions are also available. The site is written in HTML format so that it can be fully cross-searched using our search engine page.

Margaret Woods
Clerk Assistant



British Columbia

The British Columbia Legislature began the second session of the 36th Parliament on March 24th with

the Speech from the Throne. Lieutenant Governor **Garde Gardom** delivered the speech, which outlined a number of government priorities. The Speech stressed job creation, including promises to create 21,000 jobs in the forest sector by the year 2001 and 12,000 jobs for youth. The government also indicated its intention to begin developing regional strategies for job creation in the province, and to investigate the feasibility of moving to a shorter work week to combat the problem of overwork for some employees during a period of high general unemployment.

Just a day after the Throne Speech, Finance Minister **Andrew Petter** tabled the government's 1997-98 budget. It forecasts a deficit of \$185 million, with total government expenditures of \$20.5 billion. Health care was the only area in which spending was substantially increased; it is scheduled to rise by some \$300 million. The budget featured a modest 2% cut in the provincial income tax rate and a continuation of freezes on tuition fees and auto insurance and hydro rates. However, it also included a number of fee increases for such things as provincial fines, ambulance services, and safety inspections.

Fisheries Agreement

On April 17, Premier **Glen Clark** announced that an agreement had been signed between the provincial and federal governments regarding joint stewardship of west coast fisheries. The agreement creates a Canada-BC Council of Fisheries Ministers, which will oversee management and conservation of the fishery. As well, a new Pacific Fisheries Resource Conservation Council will be set up to provide independent analysis and advice to

both governments on conservation measures and protection of habitat.

Legislation

The *Fisheries Renewal Act* was introduced in the House on April 30. Designed to complement the fisheries agreement, the bill provides for a Crown agency to promote conservation, protection and enhancement of fish resources. The agency's directors would include representatives from fishers, First Nations and other industry interests, and its mandate will be to make investments in fisheries diversification and development, to train industry workers, and to give assistance to the industry for long-term economic planning.

The government has also introduced a bill to encourage donations of food from restaurants to food banks. The bill would place limits on liability to potential donors.

Committees

Three standing committees are active this session. The Select Standing Committee on Aboriginal Affairs continues its deliberations on the Nisga'a Agreement-in-Principle and related treaty process issues. The Committee, chaired by **Ian Waddell**, wrapped up its public hearing process in early March, after holding 31 public hearings and receiving 560 submissions. It is anticipated that the Committee's report will be delivered to the Legislative Assembly in late May or early June.

The Special Committee on the Response to the Gove Report continues to receive briefings on the government's administrative changes to the provincial child protection system. A Ministry of Children and Families was created last fall as part of significant reforms to the system, pooling resources and responsibilities that previously had

been spread across several ministries. The all-party Committee, chaired by **Evelyn Gillespie**, has been receiving briefings on the changes by ministry officials and by Children's Commissioner **Cynthia Morton**, Ombudsman **Dulcie McCallum**, and Child, Youth and Family Advocate **Joyce Preston**.

The Public Accounts Committee also is meeting this session. It is scrutinizing the provincial Public Accounts from last year, as well as a number of reports by the Auditor General.

Resignations

On February 28th, **Jack Weisgerber** announced his resignation as leader of the British Columbia Reform Party. At the same time, he indicated his intention to remain a Member of the Legislative Assembly for the remainder of the 36th Parliament. First elected in 1986 under the banner of the Social Credit Party, Mr. Weisgerber served as Minister of Native Affairs from 1988 to 1991, a time when the provincial government began the process of negotiating treaty settlements with First Nations. He also served briefly as Minister of Energy, Mines and Petroleum Resources. Following the Social Credit's defeat in 1991, he became the leader of the Reform Party of BC.

Liberal **Wilf Hurd** announced on April 28th that he was resigning as a Member of the House in order to contest a seat in the federal election on behalf of the Liberal Party of Canada. Mr. Hurd was first elected in 1991 when the Liberals formed the Official Opposition, and held posts as party whip and forestry critic.

Neil Reimer
Committee Clerk



The second session of the 35th Parliament ended on April 27, 1997 when the Governor General, at the request of the Prime Minister, announced the dissolution of Parliament.

The business of Parliament in terms of legislation was particularly hectic during the final week before dissolution. Six bills were passed at third reading and, on April 25, the Deputy Governor General gave Royal Assent to twenty government bills, to Bill C-300, a private member's bill sponsored by **Jack Fraser** concerning the establishment of a Canadian Peacekeeping Service Medal, and to private bill S-15, *An Act to amend An Act to incorporate the Bishop of the Arctic of the Church of England in Canada*. However, Bill C-216, intended to prevent negative option billing, died on the Order Paper following a week of stormy debate and a wide variety of procedural tactics, during which neither the bill's sponsor, **Roger Galloway**, nor the official opposition, pulled any punches.

There were no supply days during the period ending June 23, 1997 and the last opposition day was March 12, 1997. On that day, the House passed Supplementary Estimates (B) for the fiscal year ending March 31, 1997 and the interim supply for the period ending March 31,

1998. It should be noted that the interim supply passed covered nine-twelfths of the total Main Estimates, not the usual four-twelfths.

On April 9, the House passed motion M-267, on the Order Paper under Private Members' Business. The motion, moved by **Daphne Jennings** and subsequently amended on motion of **Suzanne Tremblay**, added a new Standing Order 97.1 to require any committee to which a Private Member's public bill has been referred to report the bill to the House within six months from the date of the bill's reference to the committee. A committee must now report back to the House in all cases and may even recommend that the House proceed no further with the bill.

On dissolution, the Address in Reply to the Speech from the Throne was still on the Order Paper. Customarily, once the motion has been passed by the two houses, the respective Speakers go to Rideau Hall to present the engrossed Address to the Governor General.

On April 22, **Stéphane Dion**, President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, informed the House in a ministerial statement of his intention to put on the Notice Paper a draft constitutional amendment resolution, aimed at amending section 93 of the *Constitution Act, 1867* to enable the Quebec government to establish anglophone and francophone linguistic school boards.

Privilege

Following the tabling of the budget on February 18, **John Nunziata** rose on a question of privilege regarding budget secrecy. Mr. Nunziata contended that, by allowing journalists to reveal the contents of the budget 15 minutes before beginning his speech, the Minister of Finance was

going against past practice whereby budget papers were not distributed before the stock markets closed. Moreover, Mr. Nunziata claimed that members' privileges are infringed when the information is released prematurely. The Speaker ruled on March 6. Citing rulings by Speaker Sauvé and Speaker Fraser, he reminded the House that "a breach of budget secrecy has nothing to do with parliamentary privilege."

On March 11, **John Bryden** rose on a question of privilege regarding the work of the Standing Committee on Justice and Legal Affairs. Mr. Bryden was of the view that the committee has misinterpreted Standing Order 108(2) in making its decision to consider the subject matter of Bill C-46, even though the bill appeared on the Projected Order of Business. In practical terms, it was impossible for Mr. Bryden or any other member wishing to take part in the debate on this bill to be both in the House to debate the bill at second reading and in committee to put questions to the witnesses. On March 20, the Speaker told the House that committees "are free to set their own priorities, establish work plans and schedule their business" and that all business printed on the Projected Order of Business is not necessarily taken up in the House. While the Chair did not find that a case of privilege had been made, the Speaker said that, in keeping with the spirit of the McGrath reform, committees could perhaps keep projected House business in mind when planning their work.

On March 4, **Gilles Duceppe** rose on a question of privilege regarding a Health Canada advertisement. The advertisement in question, a copy of which was tabled in the House by unanimous consent, referred to the anti-tobacco "legislation", even though the House had

not yet passed Bill C-71, the *Tobacco Act*. According to Mr. Duceppe, this was false advertising. The Speaker ruled on March 13. While he hoped that in future those "whose duty it is to approve the wording of communications to the public for a minister" will ensure that there is no "ambiguity in the choice of terms", the Speaker could not conclude that the advertisement in question was a breach of the privileges of the House.

Patrice Martin
Procedural Clerk



Northwest Territories

Debate of the Government's 1997-98 Capital and Operating and Maintenance Budgets dominated much of the Legislative Assembly's time during the Fourth Session which resumed in late January. Detailed scrutiny of the Government's spending plan forced Members into extended sitting hours and some Saturday sessions.

But the budget was not the only issue occupying the Legislature's agenda in the six-week session. Members also appointed **Elaine Keenan Bengts**, a long-time Northerner, as the first Access to Information and Protection of Privacy Commissioner for the Northwest

Territories. Ms. Keenan Bengts has operated her own law firm in Yellowknife for the past 10 years.

The Nunavut Electoral Boundaries Commission was also appointed in March. The three-member Commission is chaired by **J.E. Richard**, a Member of the Legislative Assembly in the 10th and 11th Assemblies and currently a Justice with the Supreme Court of the Northwest Territories. The Commission will make recommendations on the boundaries, names and representation of new electoral districts for Nunavut. Commission members are to file a report with the Legislative Assembly by June 30, 1997.

Following the adjournment of the Fourth Session in early March most Members returned to their home constituencies with the exception of Premier **Don Morin** and Nunakput MLA **Vince Steen**. They were part of a small delegation from the NWT, who in April, spent two weeks in three Asian cities (Hong Kong, Seoul, and Taipei) promoting the Aurora Fund, an immigrant investor fund established to raise funds to help develop businesses in the Northwest Territories.

The House resumed sitting on May 27 for a brief Session before the summer break.

Committees

Committee activity was also quiet through much of March and April except for the Standing Committee on Social Programs. Committee members visited regional centres in the NWT in the spring to conduct public hearings on the proposed Family Law Bills. The Bills – the *Family Law Act*, the *Children's Law Act*, the *Child and Family Services Act*, and the *Adoption Act* – were introduced in the Legislative Assembly last November. The Committee is

expected to report back to the House on the Bills this fall.

Division Activities

Division of the Northwest Territories continues to proceed with government departments developing plans for dividing the territory in 1999 and a number of other initiatives.

In the western territory Members of the Constitutional Working Group have been busy visiting communities in the region to consult people on the *Partners in a New Beginning* package presented last October.

MLAs in the western Arctic have also joined forces with representatives of the business community and aboriginal organizations in forming the Western Leaders Coalition. This group is responsible for protecting the interests of the West in Division planning, especially as it relates to federal financing arrangements after 1999.

Plans in the Nunavut territory also continue to develop. The appointment of **Jack Anawak**, former MP of Nunatsiag, as Interim Commissioner of Nunavut is viewed as a positive and integral step towards the creation of the new territory.

Residents in Nunavut will also go to the polls on May 26 for a Public Vote on Equal Representation of Men and Women in the Nunavut Legislative Assembly. The vote will determine if the Assembly will elect one male and one female MLA from each constituency.

Ronna Bremer
Public Relations Officer



Manitoba

The Third Session of the 36th Legislature started off in the traditional manner on March 3, 1997 with the reading of the Speech from the Throne by **Yvon Dumont**, the Lieutenant-Governor. However once His Honour left the Assembly Chamber, the rest of the proceedings were anything but typical. Following the Prayer, the Leader of the Official Opposition, **Gary Doer**, rose on a matter of privilege and moved "that the Speaker be removed from her position and that passage of this motion by the House would require that the Speaker resign immediately." Madam Speaker **Louise Dacquay** ruled that the subject matter of the motion was so important that the House should deal with the matter immediately, and put the motion to the House for debate.

Instead of the traditional early adjournment of the House on Opening Day following the passage of several routine motions, the Legislative Assembly sat until 10 p.m. that night to consider the motion, requiring MLAs to forgo the traditional receiving line of dignitaries and attendance at several opening day receptions.

The matter of privilege continued as the first order of business on the following sitting day. During consideration of the motion, **Gary Kowalski** moved an amendment

requiring a secret ballot election of a Speaker based on the provisions contained in the British Columbia Standing Orders for the secret ballot election of the Speaker. The amendment and the motion for a matter of privilege were negated on recorded votes on March 4, and the House proceeded to consideration of the Address in Reply to the Speech from the Throne.

The provincial budget was delivered by Finance Minister **Eric Stefanson** on March 14, 1997. The budget projected a surplus of \$26.8 million, and marked the third consecutive year that a budgetary surplus was forecast. In delivering the budget address, Finance Minister Stefanson stated that for the first time since the 1950s, payment was going to be made to reduce the provincial debt, as \$75 million was earmarked for repayment of the accumulated provincial debt. He also noted that major taxes had not been increased in Manitoba for the last decade, that Manitoba had the second lowest rate of unemployment in the country, and that there were 20,800 more jobs in Manitoba than one year earlier.

In speaking to the budget motion, **Gary Doer**, Leader of the Official Opposition, moved a non-confidence amendment, contending that the budget withheld needed investments for health, education, children and aboriginal people while increasing tax breaks and business subsidies. Mr. Doer further argued that the government was using the sale of public assets to advance the government's political interest. **Kevin Lamoureux** moved a sub-amendment, highlighting concerns with health care, freezes to the level of funding for public education, and funding shortfalls to post-secondary education. The sub-amendment and the non-confidence amendment were negated on

March 25, with the budget motion achieving passage on the same day.

Following adoption of the budget, the Legislative Assembly spent 2 days considering Bill No. 10 – *The Interim Appropriation Act, 1997*. The Bill provided for the expenditure of 1.69 billion dollars, the amount of funds required to keep government departments operational until departmental expenditures are approved by the estimates process. The Bill received Royal Assent on March 27, 1997. Following Royal Assent, the Assembly agreed to an adjournment until April 7, 1997.

When the Legislature resumed sitting the estimates process began. Manitoba's rules provide for 240 hours for the consideration of the estimates of the various government departments, with the Committee of Supply sitting in two separate sections simultaneously, to accomplish this scrutiny. The consideration of departmental estimates has been the main focus of the session so far.

The flooding situation in Manitoba has had an impact on the sittings of the Manitoba Legislative Assembly. By agreement of the House, the usual Monday night and Friday morning sittings have not been held, in order to allow MLAs to be in their constituencies during this critical time. In addition, Private Members' Business has been temporarily waived, as have the provisions for quorum requirements and the number of MLAs required to request recorded votes, with all such votes to be deferred until a time agreed upon by the House Leaders. These provisions are in effect on a week by week basis until the flooding situation improves.

To date, the government has introduced 33 Bills. Given that the provisional rules expired on November 30, 1996, Manitoba has reverted to its old rules, meaning that

there is no longer a sessional calendar, nor is there a requirement for government legislation to be introduced by a certain date. In addition, speaking times in debate revert to 40 minutes from 30 minutes, and the House once again has sittings on Monday nights and Friday mornings. Members' Statements no longer exist, and Speaker's rulings on emergency debates (MUPIs) are subject to challenge once again.

Brian Pallister resigned his seat on April 28, 1997, in order to run as a candidate for the Progressive Conservatives in the federal election. Mr. Pallister had first been elected to the Manitoba Legislative Assembly during a by-election in September 1992, and had been re-elected during the general election of 1995. From May 9, 1995 to January 1997, he served as Minister of Government Services.

Patricia Chaychuk
Clerk Assistant



ASSEMBLÉE NATIONALE

Quebec

Upon resumption of proceedings on March 11, 1997, the National Assembly carried a motion for the adoption of amendments to its Rules of Procedure.

New Rules

These amendments aim first of all to modify the schedule of the Assem-

bly so that, during regular hours of meeting, the Assembly and the Committees no longer sit in the evening. Consequently, the Assembly now meets from Tuesday to Thursday from 10.00 o'clock a.m. to 6.00 o'clock p.m., the proceedings being suspended from 12.00 o'clock noon until 2.00 o'clock p.m. In contrast with the previous stipulations, the hours of meeting are the same for each sitting day of the Assembly. Furthermore, on motion by the Government House Leader, the Assembly may also resolve to meet on a Monday from 2.00 o'clock p.m. to 6.00 o'clock p.m., as well as to continue sitting at 8.00 o'clock p.m. for the purpose of hearing the Budget Speech or a supplementary statement with respect to the Budget.

The parliamentary committees, on the other hand, may meet, during the regular hours of sitting, Mondays from 2.00 o'clock p.m. to 6.00 o'clock p.m., Tuesdays, Wednesdays and Thursdays from 9.00 o'clock a.m. to 6.00 o'clock p.m., with a suspension from 12.00 o'clock noon to 2.00 o'clock p.m., and Fridays from 9.00 o'clock a.m. to 12.00 o'clock noon.

The rearrangement of the Assembly schedule also affects the extended hours of meeting, which shall henceforth take place over a period of four weeks rather than three, beginning on May 25 and ending on June 23. Nevertheless, during this period, sittings may not go beyond midnight. In principle, the Assembly would meet four days a week, from Tuesday to Friday, starting at 10.00 o'clock a.m., and there would be two suspensions during a given sitting: the first from 1.00 o'clock p.m. to 3.00 o'clock p.m. and the second from 6.00 o'clock p.m. to 8.00 o'clock p.m. The Assembly could also, on motion by the Government House Leader moved during the stage of Routine Proceedings providing for Motions

Without Notice, decide to meet on Mondays according to the same schedule.

Further to the implementation of this new schedule, during regular hours of meeting, the Assembly shall take Routine Proceedings at 2.00 o'clock p.m. and, during extended hours of meeting, it shall continue to do so at 10.00 o'clock a.m.

The debates with respect to Business Standing in the Name of Members in Opposition are equally displaced from Wednesday afternoon, after Routine Proceedings, to Wednesday morning from 10.00 o'clock a.m. to 12.00 o'clock noon. This now fixes the amount of time allotted for these discussions, which was previously difficult to determine, due to the varying length of time taken for Routine Proceedings.

Still within the framework of the parliamentary reform, the Assembly also adopted, last April 10, amendments to the Rules for the Conduct of Proceedings in Committees.

The primary aim of these amendments is to create a new parliamentary committee, the Committee on Public Administration. This committee is chaired by a Member of the Official Opposition and consists of permanent members appointed by the Committee on the National Assembly, as well as of temporary members designated by the whips of their respective parliamentary groups and who may serve on the committee for a single meeting or throughout the proceedings with respect to some particular matter. This constitutes a new practice.

Although the current Standing Orders already provide for the temporary replacement of a member in the aforementioned situations, eight temporary members are now permanently appointed to this specific committee, which shall henceforth exercise certain functions that had

formerly been under the jurisdiction of the other Standing Committees with regard to the examination of the financial commitments of the various ministries. It shall also hear the Auditor General each year on his annual report, as well as the persons who come under the *Act respecting the accountability of deputy ministers and chief executive officers of public* in order to discuss their administrative management and, if need be, such other administrative matters falling within the terms of reference of these ministries or agencies as shall have been noted in a report from the Auditor General or the Public Protector.

Due to the establishment of this new committee, the Committee on the Budget and Administration shall now be referred to as the Committee on Public Finance.

Furthermore, the Committee on Planning and Infrastructures has been replaced by two new committees, namely the Committee on Planning and the Public Domain and the Committee on Transportation and the Environment. The Assembly now has a total of eleven committees, as compared to nine previously.

The terms of reference of certain committees have also been redistributed. The Committee on Institutions now has the duty to hear, on an annual basis, the Director General of Elections and the Public Protector, bodies which are under the direct authority of the National Assembly.

The amendments also change the membership of the committees, which now consist of not more than ten permanent members, whereas in the former Standing Orders, this was the minimum number of members allowed. However, if an independent Member wishes to become a member of a particular committee, the number of members of this committee is increased to twelve.

These provisional amendments to both the Standing Orders and the Rules for the Conduct of Proceedings in Committees are in effect until 22 October 1997.

Budget Speech and Legislation

The traditional twenty-five-hour debate on the Budget Speech was among the more noteworthy events of the parliamentary session currently underway. It was delivered by Finance Minister **Bernard Landry** last 25 March, just a week after the tabling of the Estimates of Expenditure for the 1997-98 fiscal year.

The projections announced at that time by the Minister indicate an expenditure budget of \$39.7 billion, \$5.9 billion of which shall be taken up by the debt service. The Government thus foresees achieving its goal of reducing the deficit, which would decrease by \$1 billion in comparison with this year, to reach \$2.2 billion at the end of the current fiscal year, pursuant to the objectives of the *Act respecting the elimination of the deficit and a balanced budget* which was passed last year.

All Government sectors are asked to participate in the effort to reduce expenses. The initial plan calls for a reduction in labour costs totalling \$831 million, which should be obtained thanks to the implementation of a voluntary departure programme that would allow for the retirement of 15,000 unionized public sector workers.

In order to follow up on this intention, during the course of an extraordinary sitting held on Friday, 21 March 1997, the Government House Leader moved a motion to suspend certain rules of procedure in order to pass a bill respecting the reduction of labour costs in the public sector and implementing the agreements reached between the Government and the unions for that purpose.

In the course of the ensuing debate, the Official Opposition House Leader raised a point of order in which he indicated that, contrary to the provisions of Standing Order 184, the bill in question had not been distributed when the motion to suspend certain rules of procedure was moved. He added that the accords referred to in the bill, as well as the collective agreements that it modified should also be a part of this distribution.

In his decision, Mr. Speaker stated that the bill should indeed have been distributed when the motion to suspend certain rules of procedure was moved. He nonetheless specified that Standing Order 184 required only the distribution of the bill itself and that there was no obligation to also distribute the documents mentioned in the text or in the headings of this bill. Accordingly, in compliance with this ruling, the motion to suspend certain rules of procedure had to again be moved.

The Official Opposition House Leader then raised a second point of order in which he indicated that the explanatory notes of the bill contained arguments and recitals, which is contrary to Standing Order 233.

Mr. Speaker stated in his ruling that a section of the explanatory notes did indeed constitute recitals and that, consequently, this portion would have to be withdrawn. He added that explanatory notes consistent with his ruling would have to be distributed as soon as possible, and, in any event, before the introduction of the bill.

Constitutional Amendment

On April 15, 1997, with the unanimous consent of the Members present, the National Assembly carried a motion requesting that the Federal Parliament amend the Constitution

in order to promote the establishment of linguistic school boards in lieu of denominational school boards. An amendment to the preamble of this motion was moved by the Official Opposition, and aimed to reaffirm the rights of the English-speaking community of Quebec in matters of education, as well as the management and control of English language educational facilities which are financed through public funds. The proposed amendment to the *Constitution Act, 1867*, stipulates that paragraphs (1) to (4) of section 93 do not apply to Quebec, a modification which would remove Quebec's obligation to maintain catholic and protestant school structures in addition to linguistic school boards.

Political Events

Regarding political events, the seat left vacant by the death, in December 1996, of the Member for Beauce-Sud has been filled by **Diane Leblanc**, the Liberal Party candidate returned in the by-elections held on 28 April last. In the Electoral Division of Prévost, **Lucie Papineau** was elected under the banner of the Parti Québécois.

A short time before these new Members took their places in the National Assembly, the Members from the Government group were saddened by the sudden demise, on 23 April, of their colleague from Duplessis, **Denis Perron**. Mr. Perron, who was elected in 1976 and faithfully reelected since then, represented a riding located in Northern Quebec whose expansive territory put great demands on the elected representative.

Also, following the annulation of the election held on September 12, 1994 in Bertrand this seat, which was filled by Liberal **Robert Thérien**, is henceforth vacant. Two other Members of the Liberal Party, **France Dionne** and **Yvon Charbon-**

neau, from the ridings of Kamouraska-Témiscouata and of Bourassa, have also resigned in order to run for office in the June 2, 1997 federal election.

The political parties at the National Assembly stand as follows: 74 Members of the Parti Québécois; 44 Members of the Quebec Liberal Party; 3 Independent Members (one of which is of the Action démocratique du Québec party), and 4 vacant seats.

Nancy Ford
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Translated by Sylvia Ford



Alberta

The Legislative Assembly witnessed some significant changes over the last three months: the introduction of two budgets, the dissolution of the House and subsequent re-election of the Progressive Conservative government, the re-emergence of the New Democratic Party as a third party in the House, the election of a new Speaker, and the introduction of several new Bills.

5th Session of the 23rd Legislature

The two day long 5th Session of the 23rd Legislature began on February 10 with the Speech from the Throne given by the Lieutenant Governor, **H. A. (Bud) Olsen**. The following

day, Provincial Treasurer **Jim Dinning** introduced a budget forecasting a surplus of at least \$144 million in 1997-1998, and estimating that the debt pay-down could be over \$800 million in the same period, depending on fluctuations in energy prices and corporate income tax. As a result of the *Balanced Budget and Debt Retirement Act* passed in 1995, any year-end surplus must be applied to reduce the province's net debt, which was estimated to be \$3.5 billion at the end of the fiscal year. The Budget called for spending increases of \$128 million for the Department of Health, \$91 million for the Department of Education, and \$68 million for the Department of Advanced Education and Career Development. After the Budget Speech, Premier Klein stated to the Assembly that he had requested that the Lieutenant Governor dissolve the Legislature, and announced that a provincial election would be held March 11. The government later stated that, pending an election victory, it would re-introduce the budget in substantially the same form.

Provincial Election

At dissolution, the Progressive Conservatives held 54 of 83 seats in the Legislative Assembly. The Liberal Opposition, led by **Grant Mitchell**, held 29 seats. (Election results in vol. 20, no. 1 of the *Canadian Parliamentary Review*). The election resulted in a gain of 9 seats for the Progressive Conservatives for a total of 63 seats. The Liberals lost 11 seats giving them 18 seats in total, while the New Democrats, without representation in the Assembly since the 1993 provincial election, won 2 seats. The New Democrat win saw the return to the Assembly of **Pam Barrett**, MLA for Edmonton-Highlands between 1986 and 1993,

and party leader since September 1996.

The Progressive Conservative campaign focussed largely on the Government's record and in particular, the elimination of the deficit. A recurrent theme was that they had kept their promises. The Liberals and New Democrats focussed on the quality of the health-care system. One issue that emerged at the start of the campaign concerned Video Lottery Terminals (VLT's). Some municipalities were holding or considering plebiscites on VLT's. Under the *Municipal Government Act*, residents can petition their municipal council to hold a plebiscite. The Liberals favoured an outright ban of the machines. The Progressive Conservatives opposed a province-wide plebiscite but indicated that they would respect the votes of the municipalities.

An interesting result of the election was the domination of Edmonton ridings by the opposition parties. Of 19 ridings in the City of Edmonton, 15 were won by the Liberals, 2 by the New Democrats, and 2 by the Progressive Conservatives. Conversely, the Liberals won only 3 seats in the rest of the province; one just outside the City of Edmonton, one in Calgary, and one in Lethbridge. Also noteworthy is the increase in female representation in the Assembly. Prior to March 11, women comprised 20.5% of all Members. There were 22 women elected on March 11 accounting for 26% of the seats in the Assembly.

1st Session of the 24th Legislature

On April 14, the 24th Session began with the election of **Ken Kowalski** as Speaker. Mr. Kowalski is the 11th Speaker of the Legislative Assembly of Alberta, and the second to be elected by secret ballot. Other presiding officers also elected by secret ballot were **Don Tannas**, Dep-

uty Speaker and Chairman of Committees, and **Judy Gordon**, Deputy Chairman of Committees.

Post-Election Budget

On April 21 the new Provincial Treasurer, **Stockwell Day**, presented the government's post-election budget in the Assembly. The budget forecast a surplus of \$154 million, which could run as high as \$750 million depending on energy prices and corporate taxes. The post-election budget revised the estimate for the price of oil from \$19 U.S. per barrel to \$18.50 U.S. per barrel. The net debt is projected to stand at \$3.5 billion at the end of 1997-1998 and at \$2.58 billion at the end of 1999-2000. The goal of the government is to eliminate the net debt by 2005-2006, the 100th anniversary of the creation of the province. The budget gave priority to the areas of education and health, which account for 63% of provincial spending, with health care being allocated an additional \$20 million on top of the increase announced in the February budget.

New Cabinet

On March 26 Premier Klein announced his new 19 member Cabinet. As noted Mr. Day, formerly Minister of Family and Social Services as well as Government House Leader, is the Provincial Treasurer. **Patricia Black**, the former Minister of Energy, is the Minister of Economic Development and Tourism. **Steve West**, former Minister of Economic Development and Tourism, is now Minister of Energy. **Walter Paszkowski**, former Minister of Agriculture, Food and Rural Development, is Minister of Transportation and Utilities.

Returning Members maintaining their previous portfolios include: **Shirley McClellan**, Minister of Community Development; **Halvar**

Jonson, Minister of Health; Ty Lund, Minister of Environmental Protection; Gary Mar, Minister of Education; Murray Smith, Minister of Labour; Stan Woloshyn is Minister of Public Works, Supply and Services; and Pearl Calahasen, Minister without Portfolio responsible for Children's Services.

New to Cabinet are the following returning Members: Jon Havelock, Minister of Justice and Attorney General, and Government House Leader; Ed Stelmach, Minister of Agriculture, Food and Rural Development; Clint Dunford, Minister of Advanced Education and Career Development; Dr. Lyle Oberg, Minister of Family and Social Services; and Lorne Taylor, Minister of Science, Research and Information and Technology. Two new Edmonton area MLA's have been appointed to the Cabinet: Iris Evans as Minister of Municipal Affairs, and David Hancock as Minister of Federal and Intergovernmental Affairs.

Committees

At the same time he introduced his new Cabinet, the Premier announced the formation of two new standing policy committees, one on jobs and the economy, and the other on education and training. The purpose of the Standing Policy Committee on Jobs and Economy is to review and make recommendations on policies, programs, and legislation, and to hear public submissions relating to the economy, natural and energy resources, and research and technology. The mandate of the Standing Policy Committee on Education and Training is to review and make recommendations on policies, programs, and legislation, and to hear public submissions relating to education, advanced education, and career training. The standing policy committees are bodies appointed by the Government to ad-

dress issues in certain areas with the aim of assisting the Government in setting policy and are not committees of the Assembly. These two additional committees bring the total number of standing policy committees to seven.

Legislation

At the time of writing, not all of the Government's legislation has been introduced. Among the Government bills introduced are: the *Freedom of Information and Protection of Privacy Amendment Act*, which extends the provisions of the Act to all public educational institutions, health authorities, and municipalities, and rescinds the provisions applicable to private colleges.

The *Meat Inspection Amendment Act* reduces the broad powers of provincial meat inspectors who can currently, without warrant, enter any premises or building and inspect any animal or meat present. The amendment requires that an inspector now obtain a warrant to enter a private dwelling in which it is believed that the processing or storage of meat is taking place.

The *Election Amendment Act* repeals the prohibition on political parties, political candidates, or other persons from advertising on any broadcasting facility on the day preceding an election and the day of an election. This Bill brings Alberta legislation into line with a 1996 ruling by the Alberta Court of Appeal which struck down a ban contained in the federal *Election Act* on political advertising in the days leading up to an election.

Robert H. Reynolds
Parliamentary Counsel

SENATE



The pace of legislative business picked up during March feeding speculation that the Government was preparing for an early election. In April, the pace became an all out sprint. In the ten sitting days between the return from the Easter adjournment April 8 and the final day of sitting April 25, seventeen bills were introduced from the House of Commons. Of these, all but two were speedily adopted and passed. Most of these bills were not particularly controversial; they were debated briefly at second reading and were quickly reported from committee without amendment. Among the legislative measures that were adopted in these last weeks were bills on bankruptcy, criminal code amendments including criminal organizations, and financial institutions. On what proved to be the final sitting day of the 35th Parliament, April 25, twenty two bills received Royal Assent.

Perhaps the most newsworthy bill debated in the Senate this spring was Bill C-71, dealing with the promotion and sale of tobacco products. Despite the fact that there was little dispute about the need to regulate the sale of cigarettes, especially to minors, there was some question about the restrictions imposed on sponsorship by the tobacco manufacturers of cultural and sporting events. After two days of debate at second reading, the bill was referred

to the Legal and Constitutional Affairs Committee for clause-by-clause examination. In what is likely to become a regular feature of Senate committee activity in the new Parliament, a good portion of the Committee's deliberations were televised on CPAC. In fact, during the first week of hearings, the broadcast was live. In all, the Committee heard more than sixty witnesses including different spokesmen from the tobacco industry as well as representatives from the medical profession and anti-tobacco groups. Different opinions were expressed about the constitutionality of the limits imposed by the bill on advertising of tobacco products.

Debate on third reading of the bill began the day the bill was reported from the Committee without amendment, April 15. With leave, debate on third reading began later the same day. Numerous amendments were moved including one proposed by Senator **Colin Kenny** and seconded by Senator **Finlay MacDonald** that sought to establish funding for the purpose of supporting educational programs to keep young people from smoking and to provide limited financial support for tobacco sponsored cultural and sporting events through a transitional period. This amendment plus the others proposed by Senator **John Lynch-Staunton**, the Leader of the Opposition, Senator **Pierre Claude Nolin**, and Senator **Stanley Haidasz** were all defeated when they were put to a recorded division on April 16. The unamended bill then passed third reading by a vote of 75 to 1, with 2 abstentions.

Another contentious bill debated during this period was Bill C-29 which sought to prohibit the use of a manganese-based additive to gasoline. The bill had been referred to the Committee on Energy, the Environment and Natural Resources late in 1996 a few days after it had

been introduced from the House of Commons. It was reported without amendment by the Committee four months later on March 4, immediately after the Committee had presented an interim report on the use of this fuel additive. The Government had agreed to the unusual motion to have the Committee prepare an interim report as a means to expedite consideration of the bill at second reading, but it did not accept the Opposition's contention that the interim report had to be debated and voted on before proceeding to third reading of the bill. This dispute became the object of a point of order raised by Senator **Noel Kinsella** on March 4.

The Speaker, Senator **Gildas Molgat**, ruled on the matter the next day, March 5. Despite the arguments made urging the Speaker to look into the intent of the motion for the interim report, the Speaker ruled that there was no explicit indication in the motion to debate this report before the third reading of Bill C-29. Consequently, it was for the Senate to decide when these two items should be debated and not the Speaker. This ruling was appealed and was sustained by a vote of 34 to 22. As it happened, however, the Senate did in fact adopt the interim report before giving third reading on Bill C-29. The interim report was adopted on March 20, while the bill itself received third reading April 9.

Another bill worthy of note was Bill C-32, amending the *Copyright Act*. The bill arrived in the Senate March 20 and was debated at second reading over two days, April 8 and 10. In his remarks, Senator **Philippe Gigantès**, who sponsored the bill, noted that the bill created an improved structure of fair compensation supporting authors and artists without jeopardizing cultural enterprises. The bill, he said, also addressed the complex matter of copyright relating to new technolo-

gies including the information highway. On April 21, after less than two weeks, the bill was returned by the Transport and Communications Committee without amendment. At third reading, however, Senator **Kinsella** objected to the haste in which the bill was being considered. He did not find its complex provisions to be either balanced or equitable. To make his point, he proposed a series of amendments, but they were all defeated on division and the bill passed third reading without amendment on April 24.

Amidst all the legislative activity, the Senate managed to provide more evidence of its continuing interest in minority rights issues when it debated a resolution supporting the Montfort Hospital, a French-language teaching hospital in Ottawa, which is threatened by closure by the Ontario provincial government. Debate was initiated by a motion proposed by Senator **Jean-Maurice Simard**. Over the course of two days, more than ten Senators spoke in support of the hospital and urged that the federal and provincial governments "work together to find a just and generous solution which will ensure that the Montfort Hospital may continue to serve its local minority language community and minority French language communities outside Canada."

With a heavy legislative workload, most Senate committees were prevented from dealing with anything but bills. There was one notable exception, but it proved short lived. In February, Senator **Lowell Murray** had moved a motion to establish a special committee to examine the activities of the now disbanded Airborne Regiment in Somalia. The purpose of the motion was to allow the Senate to investigate aspects of the incident that would not be reviewed by the Royal Commission. On March 20, Senator

Murray withdrew his motion in order to make way for a similar motion sponsored by Senator **Joyce Fairbairn**, the Leader of the Government which was quickly adopted.

The first meeting of the Committee under the chairmanship of Senator **William Rompkey** took place April 17. Relations between the Government and Opposition members broke down in a dispute about the Government's plans to schedule witnesses the following week rather than proceed as the Opposition wanted to engage legal staff to assess the documentation which had been received by the Committee. Although nothing came of the Committee before the dissolution of Parliament, both sides indicated a readiness to re-establish the Committee in the new Parliament.

Not for the first time, the hurried consideration of legislation in the closing days of Parliament prompted some comments and objections. Some committees were

obliged to meet almost constantly in order to meet the Government's pressing deadlines. Senator **Michael Kirby**, the Chairman of the Banking, Trade and Commerce Committee, noted the frustration of Senators in being asked to examine important legislation without allowing for sufficient time to do the job properly. In remarks he made to the Senate April 25, he put on record the reluctance of his Committee to act as some kind of rubber stamp to legislation which has come to the Senate at the last minute because of the inability of the House of Commons to manage its affairs better. He warned that the Government should be cautious in taking the co-operation of the Senate for granted in the review of legislation which is too important to rush through Parliament.

On March 12, tributes were offered to Senator **Maurice Riel** who was scheduled to leave the Senate on April 3, during the Easter ad-

journalment, when he reached the mandatory retirement age of 75. Appointed to the Senate in 1973, the Senator had played an active role in the Red Chamber and even served as its Speaker for a time. Additional acknowledgments were made the last day of the Parliament to three other Senators who were to retire during the summer months. The first to retire was Senator **Joseph Landry** of New Brunswick who turned seventy-five June 19. He was followed several days later by **Guy Charbonneau** of Quebec, who served as Speaker of the Senate from 1984 to 1993, the longest term ever served in the position. Finally, **Doris Anderson** of Prince Edward Island was obliged to leave the Senate July 5 when she too reached the mandatory age of retirement.

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