
Legislative Reports



Northwest Territories

Discussion on the creation of two new territories and amendments to the proposed Family Law Bills dominated the final days of the Fourth Session of the Thirteenth Legislative Assembly when it reconvened in October.

In the early days of the sitting, **John Todd**, Chairman of the Division Planning Committee, tabled "Creation of Two New Territories: Transition Action Plan". The draft plan identifies a number of priority issues that need to be addressed to ensure a smooth, orderly transition for the creation of the new Nunavut territory and the Western Territory.

The plan also estimated that \$136 million in additional funding is required to cover transitional and incremental costs associated with the creation of the two new territories in 1999.

Mr. Todd said the plan would be many things to many people, including advice for **Jack Anawak**, the Interim Commissioner of Nunavut, and Nunavut Tunngavik Incorporated

(the Inuit land claim organization), a guide to action for the Government of the Northwest Territories, and a comprehensive costing for the Federal Government.

In keeping with the move ahead to the division process, Premier **Don Morin** announced the appointment of **Goo Arlooktoo** as Minister Responsible for Nunavut Transition Planning and **Charles Dent** as Minister Responsible for Western Transition Planning. Both ministers will assist Mr. Todd, the lead Minister in the Division process.

Shortly after his appointment, Mr. Dent tabled, on behalf of the Western Caucus of the Legislative Assembly, a document titled "An Action Plan for Transition to a New Western Territory." The plan outlines a number of short, medium and long-term initiatives that are needed to ensure a smooth transition to a new Western Territory.

Members also agreed to recommend a 17-Member Assembly for the first Nunavut Legislative Assembly, following up on a similar recommendation from the Nunavut Electoral Boundaries Commission. The recommendation has been forwarded to **Jane Stewart**, Minister of Indian Affairs and Northern Development.

Members also made a number of changes to family law legislation with three bills — *Family Law Act*, *Children's Law Act*, and *Child and Family Services Act* — receiving Royal Assent. The three bills update the Northwest Territories legislation in this area and eliminate in-

consistencies in past legislation. A fourth Bill, *The Adoption Act*, died on the order paper and a new, re-drafted bill is expected to be introduced when the Fifth Session reconvenes in January.

The Commissioner of the NWT, **Helen Maksagak**, officially opened the Fifth Session of the 13th Legislative Assembly on October 21, 1997. During the abbreviated session, Members spent two days reviewing the Government's progress and the performances of the Premier and Cabinet Ministers in the first two years of its mandate, including a marathon 17-hour sitting on the final day of the review.

A number of bills, including the *Power Corporation Act* and *An Act to Amend the Public Utilities Act*, were also introduced and referred to the Standing Committees to begin the review process. The Power Corporation and Public Utilities bills seek to amend current legislation to allow for the NWT Power Corporation to be jointly owned by the Nunavut and Western Territory governments on and after April 1, 1999.

The House adjourned until December 2 when a special sitting, to discuss National Unity was scheduled.

Legislation

Numerous bills also received assent in the final days of the Fourth Session. In addition to the three Family Law Bills, other legislation that received passage included:

- *An Act to Amend the Workers' Compensation Act* which increases the Yearly Maximum Insurable Remuneration paid to injured workers to \$52,000 from \$49,000.
- *An Act to Amend the Elections Act* which makes a number of amendments to the legislation to meet the election requirements of the new Nunavut territory and the new Western Territory. The changes made permit voting in the office of the returning officer, provide for mail-in voting, clarify the circumstances under which proxy votes may be used, and other technical amendments. These changes were made in response to issues identified by the Chief Electoral Officer of Canada in his report to the Assembly following the 1995 General Election.
- *Supplementary Appropriation Act, No. 2, 1997-98* which allows the government to make supplementary appropriations of over \$16 million for the fiscal year ending March 31, 1998.

Committees

During the fall months committee members reviewed the 1998-99 departmental business plans for the government. Department officials also reported to Committees on their midyear activity status reports for the current fiscal year.

In September, members of the Social Programs Committee finalized their report to the House on the proposed Family Law Bills. The report was prepared following an extensive round of public hearings held in northern communities in the spring and summer months.

Ronna Bremer
Public Relations Officer



On 25 August 1997, Premier **Lucien Bouchard** proceeded to reorganize his Cabinet and to increase to 23 the number of Ministers. The sole addition to Cabinet is **Jean-Pierre Jolivet**, who, since January 29, 1996, had been Chief Government Whip. He is now Minister for Electoral and Parliamentary Reform and Government House Leader and replaces **Pierre Bélanger**. **André Boulerice** will assist him as Deputy Government House Leader.

Mr. Bouchard also appointed **Jocelyne Caron**, former Deputy Government House Leader, as Chief Government Whip. She will be assisted by current Deputy Government Whips **Solange Charest** and **Diane Barbeau**.

After a 33-day campaign, by-elections were held last October 6 in four Québec ridings. In Bourassa and Kamouraska-Témiscouata, by-elections were called following the resignations of two Members who ran for office in the last federal elections. The candidates returned were **Michèle Lamquin-Ethier** and **Claude Béchar**, both from the Liberal Party. **Yvon Charbonneau**, the former Member for Bourassa, now sits in the House of Commons as Member for Anjou-Rivière-des-Prairies. In the riding of Duplessis, Parti Québécois candidate **Normand Duguay** replaces **Denis Peron**, who passed away last April. Finally, Liberal Member **Denis Chalifoux** was elected in Bertrand,

thus replacing **Robert Thérien**, whose election in that riding on 12 September 1994 was recently annulled following a decision of the Court of Appeal. The political parties at the National Assembly stand as follows: Parti Québécois, 75; Québec Liberal Party, 47; Action démocratique du Québec Party, 1; Independent Members, 2; for a total of 125 Members.

A Parliamentary Conference of the Americas was held in Quebec from September 18 to 22, 1997. The Quebec National Assembly was host to some 800 participants, over 400 of whom were delegates of unitary, federated and federal State Parliaments representing 28 of the 35 countries of the hemisphere. An additional 400 observers from various intergovernmental and non-governmental organizations, research institutes and business and union associations were also present.

This event, which was an initiative of the Speaker of the National Assembly, obtained the support of the Parliament of Canada and of the major parliamentary organizations of the Americas. The keynote address was delivered by **Oscar Arias Sánchez**, recipient of the 1987 Nobel Peace Prize. The various workshops dealt with democracy, human rights, free trade and employment, education and job training, social security and health policies, cultures, languages and communications, as well as sustainable development. These workshops enabled participants to discuss the impact of the process of continental economic integration and gave parliamentarians an opportunity to reflect upon the exercise of their representative, legislative and interparliamentary duties within this context.

Upon the conclusion of the Conference, a declaration containing a

decision to establish a follow-up committee was carried by the parliamentarians of the Americas. The purpose of this committee is to examine the framework for pursuing the dialogue leading to a structure which would regroup representatives of the Parliaments and inter-parliamentary organizations of the Americas. The chairmanship of this Committee was conferred on **Jean-Pierre Charbonneau**, Speaker of the Quebec National Assembly, who will convene its first meeting in 1998.

Upon the resumption of proceedings on October 21, 1997, the National Assembly extended the proposed amendments to the Standing Orders that it had adopted last spring until December 21, 1997. A summary of these amendments can be found in Volume 20, no. 2 (summer issue) of the *Canadian Parliamentary Review*. It should be noted that the hours of meeting are the same for each day that the Assembly sits: 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., at which time Routine Proceedings are taken. The provisional amendments also modify the extended hours of proceedings — which began on November 25, 1997 — as well as the parliamentary committees schedule.

The proposed amendments do not change the timetable with respect to debates during Business Standing in the Name of Members in Opposition, which are held on Wednesday mornings from 10.00 o'clock a.m. to 12.00 o'clock p.m. This has the advantage of establishing a fixed amount of time for the said debates. The Assembly also carried a new amendment to Standing Order 97, which is replaced by Standing Orders 97, 97.1 and 97.2.

Under these new amendments, a Member wishing to move a motion under Business Standing in the Name of Members in Opposition shall, not later than three hours before the Routine Proceedings are to be entered upon on the sitting day prior to that on which such business is to be taken, hand in a notice thereof for publication in the Order Paper and Notices. If the notice is handed in on the sitting day prior to that on which such business is to be taken, the Speaker shall, at the time set aside for presenting papers during the Routine Proceedings on the day the said notice is handed in, lay upon the Table a copy of the notice.

Prior to these modifications, notice was handed in no later than at the end of the day on Monday in order to be placed on Tuesday's Order Paper.

On October 30, 1997, the Speaker tabled a special report from the Public Protector to the National Assembly, pursuant to section 29 of the *Public Protector Act*, on the complaints from taxpayers regarding the refusal by the Minister for Revenue to grant them the tax benefits related to scientific research projects and experimental development (R&D). The Member for Nelligan then raised a question regarding the measures the Speaker would take to ensure that the Assembly examines this special report. In his ruling, Mr. Speaker indicated that no authority other than that of tabling the report of the Public Protector in the Assembly is invested in the Speaker by statute.

Since there is no legal obligation to study this report in parliamentary committee, only an order of referral to the competent committee, pursuant to the rules of procedure of the National Assembly, would allow the examination of this report.

There are several possibilities: The order of reference could be

given by the Assembly, pursuant to Standing Order 146. A committee could also initiate proceedings, pursuant to Standing Order 149, if it deems the subject of the report falls within its terms of reference. Also, the Committee on Institutions could hear the Public Protector with respect to his special report, pursuant to Standing Order 294.1. Finally, the Committee on Public Administration could initiate proceedings pursuant to the *Act Respecting the Accountability of Deputy Ministers and Chief Executive Officers of Public Bodies*. As this report was being written, no committee had yet followed up on the Speaker's suggestions.

Regarding an article written by **Maureen Martyn**, published in the preceding issue of this Review which compared Canadian legislative assembly Web sites, we wish to remind our visitors that the list that is currently available on our Assembly site indeed contains the *title* of all bills introduced during the session in progress. The user also has access to the *text*, which is identical in contents to that of the bill introduced, but only of those bills that are still under consideration at one of the various legislative stages. The text of bills given royal assent are not provided since amendments that might have been carried in the course of the passage of a bill must be included in the final version. Hence, we refer the users to the *Publications du Québec*, given that this branch is currently responsible for the transmission of bills that have been assented to.

Johanne Lapointe
Secretariat of the Assembly
Translated by Sylvia Ford

Committees

The end of the summer and beginning of autumn is usually an excel-

lent time for committees to undertake orders of initiative, and 1997 was no exception. A look at the results for 1996-97 indicates that the committees were busier than ever. Indeed, from 1 April 1996 to 31 March 1997, the parliamentary committees broke all activities records since 1985.

The newest committee, the Committee on Public Administration, set the pace for its counterparts. This committee was established on a temporary basis in April 1997. The provisions of the Standing Orders regarding this committee have in fact been extended until the end of December. Hence, the National Assembly, after having divided the examination of Government finances by referring it to the various standing Committees, has decided to reintroduce the notion of a Public Accounts Committee.

Since its establishment, this committee has examined the Quebec Auditor General's annual report via the accountability of public administrators. In September and October, the Committee heard seven deputy ministers and chief executive officers of public bodies, such as, the Deputy Ministers of Justice, of Industry, Trade, Science and Technology, and of Public Security, as well as the president of the *Régie des alcools, des courses et des jeux* and the chief executive officers of the Government Air and Postal Service. The Committee on Public Administration is in the process of drafting a report that will contain its conclusions and recommendations following the execution of these mandates. The report should be tabled by the end of November. The Committee also held two sittings during which the Government's financial commitments were examined.

The Committee on Culture was equally busy as it continued its mandate on Identification Cards

and the Protection of Privacy. The Committee held a total of 18 sittings, 8 of which were public hearings during which 45 organizations and individuals were heard.

The Committee on Culture innovated in its organization of a public hearing when it invited the chairmen of the Access to Information Board and of the Human Rights and Youth Rights Board, the Public Protector and the Auditor General to be present at the sitting, which unfolded in much the same way as a round table or symposium, allowing for an open discussion among the participants. Within the framework of this same mandate, the Committee also examined the new technology developed by the Medical Insurance Board with respect to the use of microprocessor and health cards. The final report is currently being drafted and is scheduled to be tabled soon.

The Committee on Culture also held a general consultation on immigration policies based on a Government paper entitled "Immigration in Québec from 1998 to 2000: Anticipating and Planning". Furthermore, the Committee examined the 1997-2000 triennial activities plan of TélÉ-Québec.

In September, the Committee on Education sat on 9 occasions for the purpose of holding a general consultation on the draft bill entitled *An Act to amend the Education Act*, which is the second phase of the education reform undertaken in Quebec. Sixty-two briefs were submitted to the Committee and 55 groups and individuals were heard. The Minister of Education committed herself to introducing the said bill during the current session.

The Committee on Labour and the Economy has begun the clause-by-clause consideration of two bills, one of which modifies the Quebec Pension Plan, while the Committee

on Transportation and the Environment examined the orientations, activities and management of the Motor Vehicle Bureau. It will be undertaking a similar mandate with respect to the Waste Recovery and Recycling Board.

In a similar fashion, the Committee on Social Affairs examined the Emergency Health Corporation of the Montreal region and studied the annual reports of three regional health and social services boards, including a public hearing in Rimouski. The holding of a committee sitting outside of the Assembly is not regular practice. Finally, this Committee studied the management of blood supplies and distribution in Quebec.

The Committee on Public Finance heard the representatives of the Quebec Deposit and Investment Fund, within the framework of an order of surveillance of public agencies. The Fun was originally established in order to collect the Quebec annuities funds. Today it manages 18 pension funds and public benefit plans, totalling assets of over 57 billion dollars. This was the first time in its 32-year history that the Fun was convened before a parliamentary committee in order that its orientation, activities and management be examined. The Members discussed the following themes: the mission and strategic objectives of the Fund; the allocation of its portfolio and the performance of the Fund; the subsidiaries of the Fund; and the examination of the Fund by the Auditor General. The Committee is considering tabling its recommendations with regard to this mandate.

Christian Comeau
Committees Secretariat



Manitoba

Following the September meeting of the First Ministers held in Calgary, Premier **Gary Filmon** announced on October 1 the establishment of the Manitoba Task Force on Canadian Unity. The Task Force is comprised of 6 Members of the Legislative Assembly - **Neil Gaudry, Oscar Lathlin, Shirley Render, Eric Robinson, Merv Tweed** and **Vic Toews**, and is chaired by Professor **Wally Fox-Decent**, who had served as the Chair of the Manitoba Meech Lake Task Force in 1989.

The Task Force held an inaugural meeting on October 28, and announced intentions to receive input from Manitobans through a variety of methods, including:

- direct mailings to all Manitoba households inviting public response
- submissions via a toll free telephone line
- submissions and information via the Internet
- a proactive approach in Manitoba schools
- exploration of new technologies in video and audio conferencing, and
- an extensive round of public hearings throughout Manitoba, including several First Nation communities

The focus of the initiative is consideration of the framework agreed

to by Canada's nine Premiers and two Territorial Leaders in Calgary on September 14.

Membership Changes

David Faurschou was elected to represent the Portage la Prairie constituency for the Progressive Conservatives in a by election held on September 30. He is the current Vice-President and General Manager of Faurschou Farms Ltd, a family-run business located just outside the city of Portage la Prairie. He has been voted Canada's Outstanding Young Farmer, has been a school trustee, a past director of the Portage Chamber of Commerce and a past director of the Portage Women's Shelter.

The seat became vacant on April 28 with the resignation of **Brian Pallister**, who resigned to run as a candidate in the federal general election. The Portage la Prairie by-election marked the first foray into a Manitoba provincial election by the Reform Party, though the Reform candidate was officially registered as an independent.

Jim Ernst announced his resignation as the MLA for the Charleswood constituency on October 28. Ernst, who was first elected in 1986, and re-elected in 1988, 1990 and 1995, has accepted a position as Vice President of Government Relations for OpTxCorp. In his tenure at the Legislative Assembly, Mr. Ernst had held a number of cabinet positions, including Minister for Industry, Trade and Tourism, Minister responsible for Sport, Minister of Consumer and Corporate Affairs, Minister responsible for the Manitoba Lotteries Foundation, and Government House Leader.

Patricia Chaychuk
Clerk Assistant



Ontario

The spring and summer Sessional periods at the Ontario Legislative Assembly were very busy times. From the end of the extended meeting of the House in April relating to the Toronto "Megacity" to the Fall recess in early October, the House met for 83 Sessional days.

During this period, the House conducted substantial debates on significant elements of the **Mike Harris** government's agenda. Among them were consideration of legislation:

- to enact a 'work-for-welfare' system;
- to enhance safety on the highways by imposing or increasing fines for unsafe trucks;
- to create the Education Quality and Accountability Office and a College of Teachers, and to reduce the number of school boards in the province;
- to reform the Workers' Compensation system;
- to revise the division of responsibilities between the provincial and municipal governments;
- to establish the Ontario Financial Services Commission;
- to regulate the transition during municipal restructurings and amalgamations;
- to link and unify provincial and federal child support guidelines; and to revise the structure

of the province's education system.

In addition to this ambitious workload, the House dealt with a number of other interesting matters.

In anticipation of a recess that would allow the various committees to conduct public consultations during July, the House passed a calendar motion that provided for the House to adjourn on June 26 until mid-August. However, on the day before this recess, the Provincial Integrity Commissioner, **Gregory Evans**, filed with the Speaker his report concerning a question by Liberal MPP **Gerard Kennedy** as to whether the Minister of Municipal Affairs, the **Al Leach**, had contravened the *Members' Integrity Act* by communicating with the Health Services Restructuring Commission about a hospital in his riding. Judge Evans found that, as a Minister of the Crown, Mr. Leach should not have contacted the independent commission and that by doing so, he had contravened the *Act*. However, Judge Evans also recognized the uniqueness of the situation (the desire by Mr. Leach to advocate as a private member concerning an important issue in his constituency) and recommended no penalty or sanction.

However, a review of the *Members' Integrity Act* revealed that such a report of the Integrity Commissioner shall be considered and responded to by the Assembly within 30 days of it being Tabled. With the House poised for a recess longer than that, ways were considered to comply with the legislation. Nevertheless, on June 26, as previously provided for, the House concluded its business and adjourned until mid-August, leaving the matter of the Integrity Commissioner's report unresolved.

Prior to the adjournment, legislation had been introduced, as previously mentioned, to deal with

penalties for unsafe trucks. In an unusual number of instances wheels had been coming dislodged from their trucks and causing accidents on Ontario's roads. In addition to numerous injuries, there had been several deaths and legislators and the public alike were alarmed at the frequency with which these incidents were occurring. As the summer vacation season was approaching, the Parties in the Legislature worked towards a solution that would see the House recalled for a day, both to deal with the truck safety legislation and with the Integrity Commissioner's report.

On the advice of the Government, the Speaker, **Chris Stockwell** reconvened the Legislature on July 3. The truck safety bill was given third reading and was passed and the Integrity Commissioner's report was referred by motion to the Standing Committee on the Legislative Assembly, authorizing it to meet to consider the report for 2 days and to reply directly to the Integrity Commissioner.

Also during the summer, 3 members resigned their seats. **Elinor Caplan** (LIB - Oriole) chose to run in the federal election, and was successful in her bid. **Robert Chiarelli** (LIB - Ottawa West) ran for Regional Chair in Ottawa. **Dave Cooke** (NDP - Windsor-Riverside) accepted an appointment as Co-Chair of the newly-created Education Quality and Accountability Office. In by-elections, the Liberals held both their seats, electing Mrs. Caplan's son, **David Caplan**, and **Alex Cullen**, respectively. In Windsor-Riverside, the NDP held the seat, returning former MPP **Wayne Lessard** to the Legislature again.

Perhaps the most significant procedural happening during the Spring/Summer session was the adoption by the Assembly of a

number of amendments to the Standing Orders.

Among the more important changes debated and ultimately made were:

- the addition of a purpose clause to the Standing Orders, affirming the various rights of the members of the Legislature;
- provision for the House to meet during the evenings on any sessional day on the passage of a government motion, and for such an evening meeting period to be a new and separate sessional day;
- provision for a member who has been named by the Speaker but who refuses to withdraw from the Chamber to be unrecognised by the House and for the business to proceed;
- provision for a right of abstention;
- ensuring that on any day, the Routine Proceedings must conclude no later than 4:00 p.m., whereupon Orders of the Day will be commenced;
- recognition of Independent members and the proffering of a right to speak in certain instances, and to be a full member on a Standing committee;
- clarification of the timelines for the Budget debate, the Tabling of the Estimates and the debate on the Orders for Concurrence;
- provision for Chairs to group the votes on amendments that are appropriately grouped, to dispense with reading amendments, to select from among duplicative amendments for the purpose of voting and to establish filing deadlines for amendments in committee;
- reducing the membership on Committees from 14 to 9 members, and
- setting a limit of 10 as the number of written questions any member may have on the Orders and Notices paper at a time.

The amendments to the Standing Orders were proposed by the Government House Leader, **David Johnson** in June. Following 3 days of debate on the motion for adoption of the changes to the Standing Orders, a time allocation motion was brought in and passed. The amendments were passed and subsequently came into force at midnight on August 21, 1997.

In September, the House established the first Select Committee of the 36th Parliament, the Select Committee on Ontario Hydro Nuclear Affairs. As a result of various problems in the operations at Ontario's nuclear generating plants and a number of reports raising questions about the management of those operations, concern had grown throughout the summer and autumn about the safety and viability of Ontario's nuclear program.

The Committee was instructed to Table a final report on its observations and recommendations concerning the nuclear program by December 1, 1997.

Todd Decker

Clerk-at-the-Table and
Senior Committee Clerk



Senate

As is customary, the Senate was the setting for the ceremonies opening the Thirty-Sixth Parlia-

ment with the Speech from the Throne on September 23, 1997. Contrary to usual practice the Governor General read the speech outlining the Government's legislative program from a lectern standing just in front of the Throne.

Also different this year was the activity of the Senate from the earliest days of the first session. Normally, as the chamber of "sober second thought", the Senate becomes busy only gradually as Government legislation is received following adoption by the House of Commons. In this session, the Government introduced five non-financial bills in the Senate before they had been considered by the Commons. In addition, twelve Commons bills arrived in the Senate during the first three months of the session. The five Senate bills were relatively non-controversial and three were passed with amendments by December 1997 and sent to the House. Of the twelve Commons bills, nine were adopted by the Senate without amendment and subsequently enacted.

Of the bills considered in the first months of the new Parliament, only three seemed to attract any widespread public attention. The first was Bill C-24 which legislated an end to the postal strike. The second, Bill C-16, concerned police warrants. The third bill, Bill C-2, amended the Canada Pension Plan and established an independent agency, the Canada Plan Investment Board, to invest transferred CPP assets with the objective of obtaining a maximum rate of return without undue risk of loss.

The postal strike bill represents an example of the ability of Parliament to react with relative speed to a situation deemed to affect national interests. The bill passed through the House of Commons in two days, the same length of time used by the Senate before it was adopted on De-

cember 3. To accelerate the process, the bill was considered by the Senate in Committee of the Whole after second reading. The Committee sat for six hours to hear the Minister of Labour and the Minister of Public Works as well as officials from Canada Post and the Canadian Union of Postal Workers (CUPW).

Bill C-16 amends the *Criminal Code* by requiring the police to obtain a judicial warrant in order to enter a dwelling to arrest someone. The bill was brought in by the Government in response to a Supreme Court decision of last Spring which found that in some cases police entry without such a warrant could violate the *Charter of Rights and Freedoms*. While the bill had relatively smooth passage through the House of Commons, its consideration in the Senate generated some controversy.

Some Senators, particularly **Anne Cools**, objected to the fact that the bill was being considered under a deadline imposed by the Court and she raised a point of order on that basis. The Speaker, **Gildas Molgat**, ruled against the point of order. Senator Cools later proposed a reasoned amendment during second reading debate. While this is a rare type of amendment for the Senate, the Speaker found it to be in order. After second reading, the bill was referred to the Standing Committee on Legal and Constitutional Affairs which reported it without amendment. That was how it was enacted, just one day before the December 19, 1997 deadline.

Bill C-2 was perhaps the most important bill considered during these first months of the new Parliament. It was one of a series of reforms to the Canada Pension Plan which will see premiums increased substantially while at the same time, reducing some benefits; this is part of a strategy to keep the CPP solvent

well into the next century. The Opposition, led by **John Lynch-Staunton**, seemed prepared initially to challenge the bill's progress at every step. One tactic used to forestall Senate proceedings was to propose emergency debates under rule 60. In the end, however, negotiations between the Government and the Opposition led to a compromise. The Minister of Finance appeared before the Committee of the Whole Senate in an unusual televised sitting to explain the Government's policy on December 17, 1997. Also appearing separately were representatives of the Canadian Taxpayers Federation and the National Council of Welfare.

After obtaining the Minister's assurances that the sections and guidelines dealing with the Investment Board would be reviewed by the Senate before their implementation, the bill received third reading and passage the next day, December 18, 1997, the day the Senate adjourned for the Christmas holidays. As the first increase in premiums was scheduled for January 1, 1998, this timing was important.

Aside from legislation, the Senate was occupied with two constitutional amendments, both of which dealt with structural reform of school systems, one in Quebec and the other in Newfoundland. Two separate Special Joint Committees were established to examine the amendments.

The Committee dealing with the Quebec amendment was co-chaired by **Lucie Pépin**. The Quebec amendment, abolishing the application of section 93 of the *Constitution Act, 1867* guaranteeing a denominational school system in that province in favour of a linguistically based system was supported by the federal government as an example of the flexibility of the federal system. It was widely, but not unani-

mously, supported. **Dalia Wood** and **Thérèse Lavoie-Roux**, among others, remained opposed to the amendment throughout the process. When the resolution was voted December 15, 1997 the results were 51 to 17 for the resolution with two abstentions.

The Newfoundland resolution amended Term 17 of the Terms of Union between Canada and Newfoundland. Similar in some respects to the Quebec amendment, it sought to alter the current educational system in Newfoundland which is organized exclusively through denominational school boards. Despite the unanimous support of the Newfoundland Legislative Assembly and the positive results of a referendum, the amendment was challenged and opposed as it was debated in the Senate. Speaking strongly in favour of the amendment was **Joyce Fairbairn**, who co-chaired the Special Joint Committee that examined the subject-matter of the resolution. Still opposed was **William Doody** who had spoken against the earlier resolution to amend Term 17 proposed in 1996. When the vote was finally taken, the Senate divided 45 to 26 in favour with one abstention.

Two other Special Committees were established, met and reported during these first months of the session. Both continued work begun in the previous Parliament. The Special Committee on Cape Breton Development Corporation, chaired by **John Bryden**, tabled its report December 15, 1997 and debate is expected to take place when the Senate returns in February. The Special Committee on Post-Secondary Education reported the next day, December 16, 1997. In his final speech to the Senate, the Chairman of the Committee, **Lorne Bonnell**, mentioned three themes that were highlighted in the report: the rapid

increase in student loan debt; the growing internationalization of education; and the need to improve support for research and development in post-secondary institutions.

One other matter drew considerable public attention on the Senate during these months. The question of **Andrew Thompson's** lack of attendance over the course of many years became a topic that tarnished the reputation of the Senate as a whole. In an effort to respond to the negative criticism, the Committee of Internal Economy, Budgets and Administration, chaired by **William Rompkey**, submitted a report proposing to suspend the Senator's office budget, support services and most of his travel benefits. In addition, **Colin Kenny**, moved a motion ordering Senator Thompson to appear in the Senate when it resumes sitting in February or else face further sanctions for contempt. Both the report and the motion were adopted by the Senate.

In speaking in support of the Committee report, **Lowell Murray** noted that such action was long overdue. Addressing the broader aspects of the problem of attendance and absenteeism, he proposed several suggestions for reform which he hoped might be studied when the Senate returns to business in February. Among the proposals he put forward for consideration was a significant reduction in the number of days a Senator could be absent without cause calculated over a calendar year, rather than a session. Senator Murray also recommended that a cap be imposed on absences due to "public business" and that the financial penalty for frequent absences should be increased. At the same time, he stated that the practice of equating attendance in committee with attendance in the Chamber

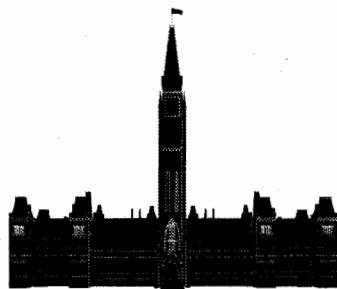
should be severely limited. With respect to the difficult matter of illness, Senator Murray asked whether it might be time to look at whether there are adequate provisions to deal with the problem of long-term disability. In answering some questions put to him, Senator Murray underlined his belief that it is an undoubted privilege to serve in Parliament because Senators are not elected and, once appointed, serve to the age of seventy-five.

From the time the general election was called in April 1997 and the opening of the new Parliament in September 1997, two Senators died. **John M. Macdonald** of Nova Scotia, the last "lifer", died in June at the age of ninety-one and **Pietro Rizzuto** of Quebec died suddenly and unexpectedly in early August. Another Senator, **Walter Twinn** of Alberta, also died suddenly in October of an apparent heart attack. These deaths, together with vacancies created by retirements were filled by the Government during the course of the autumn session.

When the Senate first met, the Government nominated four new Senators. They were **Fernand Robichaud** P.C., **Catherine Callbeck**, **Marisa Ferretti Barth**, and **Sister Mary Alice (Peggy) Butts**. In early December the Government nominated two more to the Red Chamber, **Serge Joyal**, P.C. and **Thelma Chalifoux**.

Several Senators including **Finlay MacDonald** of Nova Scotia, **Lorne Bonnell** of Prince Edward Island and **William Petten** of Newfoundland will retire in early 1998.

Charles Robert
Deputy Principal Clerk
The Senate



House of Commons

The First Session of the 36th Parliament began on September 22, 1997. Pursuant to the Standing Orders, the only item of business was the election of the Speaker. After four ballots, **Gilbert Parent** was declared elected Speaker of the House of Commons for his second consecutive term. The following day, the 301 Members went to the Senate to hear the Speech from the Throne read by the Governor General.

On September 23, the Speaker announced the members of the Board of Internal Economy. They are: **Don Boudria** and **Alfonso Gagliano**, both Privy Councillors; **Bob Kilger** and **Marlene Catterall** for the government; **Chuck Strahl** and **Randy White** for the Reform caucus; and **Stéphane Bergeron** for the Bloc Québécois caucus.

On October 29, the House passed Bill C-13, An Act to amend the *Parliament of Canada Act*, at all stages. The amendments altered the makeup of the Board of Internal Economy so that all recognized parties would be represented on it. On November 28, or one day after the Act received Royal Assent, the Speaker informed the House that **Bill Blaikie** (NDP) and **Peter MacKay** (PC) had been named to the Board.

Other occupants of the Chair elected on nomination of the Prime Minister include: **Peter Milliken**, Deputy Speaker and Chair of Committees of the Whole; **Ian McClelland**, Deputy Chair of Committees of the Whole; and **Yolande Thi-beault** Assistant Deputy Chair of Committees of the Whole. It is worth noting that Mr McClelland, who sits in the House for the Reform Party, is the first opposition member to be chosen Deputy Chair of Committees of the Whole under a majority government.

Procedure

Thanks to a special edition of the Order Paper, published several days before the first day the new Parliament sat, the House was able to begin immediately making changes to the Standing Orders with respect to the membership and names of Commons committees; to name the members of the Standing Committee on Procedure and House Affairs; to set at seven the number of allotted (opposition) days during the business of supply ending December 10; and to arrange for all motions involving opposition days to be the subject of a vote. The last allotted day occurred on November 25. On that day, the House passed the Main Estimates and the Supplementary Estimates (A).

Over the first few months of this session, the House passed a number of measures designed to adapt certain practices that, it was generally felt, no longer reflected the needs of a House where five recognized parties were all fighting for the right to be heard. After discussions among the recognized parties, an agreement was reached to limit the time for questions and answers to 35 seconds per speaker. The Speaker will ensure that this limit is respected, if necessary interrupting the Member

who is putting a question or the Minister who is responding.

On September 26, by unanimous consent, the House passed a motion setting out the terms of speaking times on opposition days. This order, in effect until December 10, 1997, allows "a representative of each of the recognized parties, other than that of the Member proposing the motion" to speak during the debate. Amendments were made to the Standing Orders on September 23 and October 1 to enable more Members to participate in committee work.

Private Members' Business

The report of the Standing Committee on procedure and House Affairs was concurred in on October 22, and Private Members' Business began on October 23. Two items that had not appeared on the Order of Precedence were passed nonetheless thanks to the unanimous support of the House: **Tom Wappel's** Bill C-220, *An Act to amend the Criminal Code and the Copyright Act* (profit from authorship respecting a crime) was deemed to have passed all stages on October 1, and **Keith Martin's** Motion M-222, on organ transplants, was agreed to on October 9.

Privilege

On October 7, **Roger Gallaway** rose on a question of privilege regarding the provision of legislative counsel services to all Members. The job of the legislative counsel is to draft Private Members' bills and amendments to government bills at committee stage and report stage. According to Mr Gallaway, however, the number of legislative counsel employed by the House was too small to meet Members' needs. He argued that this was a true "obstruction to the Member in

performing his parliamentary work".

The Speaker handed down his decision on October 23. He pointed out, as Speaker Sauvé had done in 1982, that Mr Gallaway's complaint was not a question of privilege, because under section 52.3 of the Parliament of Canada Act, the Board of Internal Economy can consider any matter respecting House services and staff. To reassure the Members, however, the Speaker added that he had "asked the Board to conduct a review of these issues".

On October 21, Mr. Breitreuz (Yorkton—Melville) rose on another question of privilege involving the Legislative Counsel Office. Mr Breitreuz was objecting to a new administrative rule allowing the House Procedural Clerks to draft amendments to Private Members' bills. According to Mr Breitreuz, "the changes have been made without the full knowledge of Members of Parliament, without Members having a full understanding of the consequences of these changes and without debate and approval of the Members of this House as a whole."

On November 18, Mr Gallaway returned to the charge with a second question of privilege involving the Legislative Counsel Office. This time he informed the Speaker that the drafting of one of his bills had been entrusted to a class of law students at the University of Ottawa. Moreover, the professor at the University responsible for the drafting project was also a lawyer for the Department of Justice. Mr Gallaway argued that this situation not only compromised confidentiality, it could also potentially allow "interference by the government" in Members' work.

The Speaker handed down his decision on November 27. While reminding the House that matters raised involve basic administrative services and therefore "should not

be raised on the floor of the House as a point of order or a question of privilege", he announced that both practices (the drafting of amendments by Procedural Clerks and the drafting of Private Members' bills at the University of Ottawa) would be put on hold until the Board of Internal Economy could review them.

Legislation

At the time of going to press, eight bills had completed all stages of the legislative process in the House.

- C-2, the *Canada Pension Plan Investment Board Act*;
- C-7, the *Saguenay-St Lawrence Marine Park Act*;
- C-10, the *Income Tax Convention Implementation Act, 1997*;
- C-11, the *Customs Tariff*;
- C-13, *An Act to amend the Parliament of Canada Act*;
- C-16, *An Act to amend the Criminal Code and the Interpretation Act* (powers to arrest and enter dwellings);
- C-22, the *Anti-Personnel Mines Convention Implementation Act*;
- C-23, *Appropriation Act No. 2, 1997-98*;
- C-24, the *Postal Services Continuation Act*.

Miscellaneous

On October 1, the Speaker announced a vacancy in the representation for the riding of Port Moody—Coquitlam, in British Columbia, caused by the resignation of **Sharon Hayes**.

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