



Legislative Reports



Manitoba

The Fourth Session of the 36th Legislature resumed sitting on Friday, March 6, 1998, with the presentation of the 1998/99 Provincial Budget by Finance Minister **Eric Stefanson**. In his address to the Legislature, Mr. Stefanson noted that the budget marked the fourth consecutive balanced budget in a row presented to the Legislature. Highlights from the budget address included:

- a doubling of the provincial debt payment from \$75 million to \$150 million
- an increase of \$100 million for health care services, boosting total health care spending to \$1.93 billion
- an increase of \$20 million for spending on children, youth and families
- a reduction in the personal income tax rate from 52 to 50 percent
- a 2.2% increase in public school funding
- \$1.6 million for interest relief and debt reduction programs

for post-secondary students and graduates.

Future plans cited in the budget include the planned extension of the string of balanced budgets to seven, a continuation of the paying down of the provincial debt, keeping taxes competitive with no tax increases, continued support of priority social programs and sustaining the commitment to capital spending.

In speaking to the budget debate, Opposition Leader **Gary Doer** moved a motion of non-confidence, claiming that the government had lost the confidence of the House by presenting a budget that ignores the present and future needs of Manitobans by:

- failing to address the crisis in health care
- failing to relieve the stresses in the education system
- failing to provide new hope for Manitoba children and
- failing to provide new opportunities for Aboriginal Manitobans.

The motion of non confidence was negated on a recorded division of 24 Ayes, 28 Nays on March 17, while the Budget motion was agreed to on a recorded division of 29 Ayes, 24 Nays on the same date. Following the conclusion of the Budget debate, the Legislature considered the matter of Interim Supply, and after several days of scrutiny, approved interim supply expenditures totalling \$1.84 billion.

The Legislature then rose for a one week break, to coincide with the spring break observed by schools in Manitoba, and resumed sitting on April 6. Since the resumption, the House has been focussing its attention on the consideration of departmental estimates in Committee of Supply, (which due to rule changes now meets in three sections as opposed to two sections), and on the debate of legislation.

Legislation

Currently, 27 pieces of government legislation have been introduced and have had second reading debate commenced. Some of the more consequential pieces of government legislation under consideration include:

- Bill 2 - *The Elections Amendment Act*, which grants authorization for the development of an automated voters list, updates how advance polls are operated, contains provisions for revision of voters lists, extends the right to vote to judges, and incorporates administrative practices regarding inmate voting.
- Bill 3 - *The Elections Finances Amendment and Consequential Amendments Act*, under which advertising will no longer be considered a separate expense, and which now gives political parties one spending limit and the flexibility to organize campaign expenditures. The Bill also allows for the reimbursement of special costs for disabled candidates, and updates the formula used for calculating expense limits.

- Bill 4 - *The Child and Family Services Amendment and Consequential Amendment Act* - This Bill designates the Office of the Children's Advocate as an independent Office of the Legislative Assembly, and changes the reporting structure in that reports are now to be tabled in the House by the Speaker instead of the Minister of Family Services. The Bill specifies appointment of the Children's Advocate for a fixed term of office by the Lieutenant Governor in Council upon the recommendation of the Standing Committee on Privileges and Elections.
- Bill 28 - *The Employment Standards Code and Consequential Amendments Act*, which consolidates 3 existing statutes - *The Employment Standards Act*, *The Vacations With Pay Act* and *The Payment of Wages Act*, in one piece of legislation, to eliminate inconsistencies and redundancies in the legislation.

Unity Task Force

The report of the Manitoba Legislative Task Force on Canadian Unity was released on March 5, 1998. In the report, the Legislative Task Force noted that 20,000 contacts had been received from Manitobans, many of which came from a questionnaire submitted to all households in the province. Respondents had the options of returning the questionnaire by mail, by fax, by the internet and by telephone. 4,500 visits were made to the Task Force's web page, 700 telephone calls were received, and 100 presentations were made during public hearings. 78% of Manitobans who responded endorsed the principles as outlined in the Calgary Framework.

Stemming from the Task Force Report, the Manitoba Legislative Assembly spent two days debating a resolution moved by Premier

Gary Filmon, affirming support for the Calgary Framework, with recommended amendments to point 4 of the Framework. The resolution also affirmed Quebec as a partner in the Canadian federation, and affirmed that better recognition of Aboriginals and treaty rights of Aboriginals, and the full participation by Aboriginal people are important to Canadian unity. The resolution was agreed to unanimously on March 19.

Patricia Chaychuk
Clerk Assistant



Ontario

The Ontario Legislative Assembly began the Second Session of the Thirty-Sixth Parliament with a highly notable absence in the Chamber - the former dean of the House, **Floyd Laughren**. First elected to the Ontario Legislative Assembly in 1971, Mr. Laughren was subsequently re-elected in the next seven general elections. From 1990 to 1995, Mr. Laughren capped his parliamentary career by serving as Minister of Finance in the government of **Bob Rae**. Much admired by his legislative colleagues and by Assembly staff alike, Mr. Laughren vacated his seat in the House to accept the post of Chair of the Ontario Energy Board. A warrant for a by-election has been issued by the Speaker.

The Speech from the Throne was delivered on April 23 by the Lieu-

tenant Governor, **Hilary M. Weston**, her first since becoming the Queen's representative in Ontario.

Following the Speech, the traditional Bill 1 was introduced by Premier **Mike Harris**, who used the occasion to steer the Ontario Assembly back to a more traditional approach with respect to the first bill. The bill, *An Act to perpetuate an Ancient Parliamentary Right*, is a *pro forma* document which asserts within it the right of the Legislative Assembly to give precedence to matters other than those expressed in the Speech from the Throne. In his comments to the House, the Premier noted that a bill of this customary nature has not been introduced in the Ontario Legislature since approximately 1935; in recent times, more substantive government bills were introduced as Bill 1. The Premier also stated that the Bill acknowledges the accountability of the government and Cabinet to the Legislative Assembly.

The motion for an Address in reply to the Speech was made by **Brenda Elliott** (PC - Guelph), seconded by **John O'Toole** (PC - Durham East) and responded to by the Leader of the Official Opposition, **Dalton McGuinty** (LIB - Ottawa South) and the Leader of the Third Party, **Howard Hampton** (ND - Rainy River) both of whom moved amendments to the motion.

Debate on the Throne Speech was concluded during the first full week of the new Session, and will be followed closely by the presentation of the Budget by the Minister of Finance.

The return of the House also coincided with the completion of a renovation project that involved restoring the intricate, marble-tile-inlaid mosaic floors of the West Wing of the Legislative Building. Covered for decades by carpeting, the floors now gleam with their

original grandeur. After the fire of 1909, the West Wing was rebuilt using large amounts of marble; not affected by the fire, the East Wing retains its wood construction, and plans are being discussed to remove the carpeting from those floors as well, which would reveal the original oak plank flooring in that part of the building, and revive much of the very elegant and airy feel the first project has succeeded in showing the building possesses.

Todd Decker

Clerk of Journals and Procedural
Research



Saskatchewan

The annual spring session of the Saskatchewan legislature began on March 10th with a Speech from the Throne that outlined five priorities: Investing in families, in jobs, in education and training, in health care and in transport. The new Building Independence – Investing in Families strategy is the centerpiece of proposed reforms of the welfare system. The government also intends to change the status of the chief electoral officer from a government appointee to a non-partisan officer of the legislature. The Saskatchewan Party identified tax relief and making the government more accountable as its priorities for the new session while the Liberals intend to focus on health care issues.

Channel Lake Hearings

The contents of the Throne Speech were overshadowed the following day when Deputy Premier and Crown Investments Corporation Minister **Dwain Lingenfelter** presented a report to the Assembly on SaskPower's investment in Channel Lake Petroleum Ltd. The opposition immediately demanded that a public inquiry be convened to investigate first the acquisition, management and sale of Channel Lake Petroleum Ltd. and secondly, the payment of severance to the former SaskPower President and CEO, **John Messer**. The government's refusal to do so, together with the opposition's refusal to convene the Public Accounts Committee as an alternative forum, ensured that the issue dominated the Assembly's business.

Intent on forcing a public inquiry into Channel Lake, the Saskatchewan Party followed a somewhat similar example set in Ontario last year and gave notice of 406 private member's bills during the opening days of the session. Each bill called for the government to reimburse the residents of a different city, town, village or resort village for amounts equivalent to SaskPower's losses on Channel Lake. The Official Opposition then proceeded to request a recorded division on each and allow the bells to ring for the maximum 10 minutes. Introduction of Bills occurs as the last item under Routine Proceedings in the Saskatchewan Assembly with the result that the repeated divisions prevented Orders of the Day from being reached for six days. This in turn pre-empted the resumption of debate on the Address in Reply to the Throne Speech.

A week after the start of the so-named "billibuster", the government gave notice that the chair of the Standing Committee on Crown Corporations, who is a government

member, would be convening meetings to investigate the Channel Lake matter. With this announcement, the business of the House was permitted to proceed.

Budget

The delay in completing the Throne Speech debate in turn had repercussions for Finance Minister **Eric Cline's** first budget. While continuing the balanced budget tradition of the four previous years, Mr. Cline's budget established a new precedent in Saskatchewan by the manner in which it was delivered. The normal budget procedure could not be followed as the seven day Throne Speech debate, begun on March 9th, was still not completed by March 18th due to the ongoing "billibuster". Because the House was unable to proceed beyond Routine Proceedings, an agreement was reached that permitted, by leave, for the budget address to be presented and the estimates tabled under Ministerial Statements, an order which proceeds Introduction of Bills on the Saskatchewan Order Paper.

A two point reduction in the provincial income tax rate was the centerpiece of the budget. Other aspects of Mr. Cline's balanced program included new investments in highways, health, policing and community safety initiatives, and the Saskatchewan Training Strategy. Grants were also announced for educational facilities, the Action Plan for Children and for initiatives to redesign the social assistance system. Business tax incentives designed to promote growth and innovation in key industries were also outlined.

The Saskatchewan Party cited three failings in the budget: lack of tax relief, Saskatchewan's ongoing status as a "have-not" province and the "faulty economic assumptions"

upon which the budget was based. The Liberal opposition questioned whether the projected revenues would materialize and the government's spending priorities.

Membership Changes

On March 16th, Saskatoon Eastview MLA and former cabinet minister **Bob Pringle** announced his intention to leave the Assembly to pursue a position with the Saskatchewan Association for Community Living. The resignation was effective April 8th and will necessitate a by-election within six months. The current Liberal Party leader, **Jim Melechuk**, who does not have a seat in the Legislature, has announced his intention to contest the seat

On April 20, 1998, **Elwin Hermanson**, a former Reform Member of Parliament, was declared the first elected leader of the Saskatchewan Party. The announcement brought to a close a unique leadership race that saw the winner chosen by a mail-in voting system. **Ken Krawetz** will remain as Leader of the Opposition as Mr. Hermanson does not have a seat in the Legislature.

Margaret A. Woods
Clerk Assistant



British Columbia

On March 26, the House reconvened to prorogue the 2nd ses-

sion of the 36th Parliament. The first order of business before prorogation, however, was the election of a Speaker, necessitated by the resignation of former Speaker **Dale Lovick** upon his appointment to cabinet. Victoria-Beacon Hill MLA **Gretchen Mann Brewin** was acclaimed Speaker of the House, becoming the third woman to hold the post in British Columbia's history. First elected to the House in 1991, she previously held the office of Deputy Speaker.

Speech from the Throne

The 3rd session began with the Speech from the Throne. Delivered by Lieutenant Governor **Garde Gardom**, the Speech reiterated several government commitments previously announced. The freezes on hydroelectricity rates, automobile insurance and tuition fees are to continue, while personal and business taxes are to be reduced slightly. There is increased funding for education and health care, and a small deficit is predicted. Overall, the budget deficit for the coming year is predicted to be \$185 million. Other promises included the devolution of authority for local transit in the Lower Mainland to the Greater Vancouver Regional District, incentives for the film industry in British Columbia, support for infrastructure and renewed focus on trade missions abroad to counter the effects of economic problems in Asia.

The following day was Budget Day, with newly-minted Finance Minister **Joy MacPhail** presenting her first budget speech to the House. Personal income tax rates are to be reduced by two per cent, while small businesses will receive a tax cut as well. The corporation capital tax will be eliminated for approximately 10,000 small businesses in the province. Medical Services premiums are to be low-

ered for 80,000 low-income British Columbians. The deficit for the coming year is projected to be \$95 million, not including Crown corporations, and a balanced budget is projected for fiscal 1999/2000.

Legislation

Several pieces of legislation have been introduced. The *Workers' Compensation (Occupational Health and Safety) Amendment Act* was brought forward in response to recommendations by a provincial Royal Commission on workers' compensation in the province. The Act creates a new component respecting health and safety issues in the workplace and their relationship to compensation levels for injured workers. It also prescribes the general duties and obligations of employers, workers, supervisors and suppliers in this regard.

The *Mining Rights Amendment Act* amends several statutes respecting mining in the province in an effort to enhance the viability of the industry. Most significantly, the Act requires that compensation be paid when mining interests are affected by expropriation of Crown land for the creation of new parkland. As well, the Act sets time limits for the application process for new mining initiatives under the *Mines Act*.

Committees

The House has created a special committee to investigate the potential impact of the Multilateral Agreement on Investment currently being negotiated by Canada and other governments in Paris. The creation of the committee follows on a government motion on the same matter. The Committee is to undertake hearings and consider the key issues arising out of the negotiations and the implications for British Columbia and Canada if an agreement is reached.

Matter of Privilege

On April 23rd, **Mike de Jong** (Matsqui) raised a matter of privilege concerning the Minister of the Environment, **Cathy McGregor**, respecting her role in advocating on behalf of a proposed development in her riding of Kamloops that involved an application to the Agricultural Land Commission. The application requested the removal of some 100 hectares of farmland from the Agricultural Land Reserve. The Member's submission alleged that the Minister misled the House during a previous Question Period when she initially denied writing a memo to the Premier which urged interceding with the Commission, a quasi-judicial body, during its deliberations on the issue. In response, the Government House Leader, **Joy MacPhail**, noted that the Member had not alleged that the Minister *deliberately* misled the House, which is what is required for the matter to qualify as a breach of privilege, and further that the memo in question was written before the Member had been appointed to cabinet.

In her reserved decision, the Speaker dismissed the Member's application, noting that an inadvertent misleading of the House does not constitute a matter of privilege. She also noted, in reference to Joseph Maingot's *Parliamentary Privilege in Canada* (2nd ed., p. 241), that a deliberate misleading of the House constitutes a question of order and should first be drawn to the House's attention by a point of order; only after it has been admitted as a deliberate misleading does the question of privilege arise. In this case, the Speaker found that, upon examining the full transcript of the Question Period exchange, it appeared that there was an initial misapprehension of the application of the question about the Member's lobby-

ing activities. Over the course of the exchange, however, the Minister clearly differentiated between her activities as Member and as Minister. Any remaining dispute, the Speaker ruled, constituted a disagreement between Members as to facts.

Neil Reimer
Committee Clerk



Alberta

The spring sitting of the 2nd session of the Twenty-fourth Legislature adjourned on April 29, 1998. During the sitting 35 Government Bills, 3 Private Members' Bills and 4 Private Bills received Royal Assent.

Legislation

Perhaps the most controversial piece of legislation before the Assembly was Bill 26, the *Institutional Confinement and Sexual Sterilization Compensation Act*, introduced March 10th by **Jon Havelock**, Minister of Justice and Attorney General. The Bill set parameters for the amount and type of damages that a person could receive in compensation under the *Sexual Sterilization Act* (introduced in 1928 by the United Farmers of Alberta Government and repealed in 1972 after the election of the Progressive Conservative Government). Currently in Alberta approximately 700 individuals have filed claims against the Province for wrongful sterilization

or wrongful confinement. While the Bill would have set minimum and maximum levels of compensation it also would have eliminated certain defences available to the Crown. The Bill included the "notwithstanding" clause meaning that it would operate notwithstanding sections 2 and 7-15 of the *Canadian Charter of Rights and Freedoms*. The use of the notwithstanding clause attracted widespread attention. This marked the first time Alberta had used the "notwithstanding" clause. On March 11th Mr. Havelock announced in the Assembly that the Government would not be proceeding further with Bill 26 and that he had instructed counsel to endeavour to reach agreement with the claimants according to the parameters set out in the Bill.

Bill 40, the *Senatorial Selection Amendment Act, 1998*, was the last Bill to pass third reading before the Assembly adjourned. The Bill allows for the election of Senate nominees before vacancies exist. Prior to the passage of Bill 40, elections could only be held when there was an Alberta vacancy in the Senate. Bill 40 also allows for the provision of financial support to Senate nominees. Under the Act, the names of successful Senate nominees are provided to the Privy Council for appointment. On April 30th it was announced that an election for two Senate nominees would proceed this fall in conjunction with municipal elections.

Bill 27, the *Electric Utilities Amendment Act, 1998*, restructures the electrical utility industry by providing for the eventual full deregulation of the electrical generation market and introducing competition in the retail sector.

Bill 25, the *Justice Statutes Amendment Act, 1998*, amends several statutes to provide for enhanced independence for Provincial Court



On February 12, 1998, Alberta's Legislative Chamber became the first in Canada to display the flags of all provinces and territories. The idea arose during the national unity debate in early December 1997 and was put into effect by Speaker Ken Kowalski

Judges and Justices of the Peace in accordance with the recent Supreme Court of Canada judgment on judicial independence arising from cases in Alberta, Manitoba and Prince Edward Island.

Bill 35, the *Colleges, Technical Institutes and Universities Statutes Amendment Act, 1998*, places a cap of 30 percent of net operating expenditures on tuition fees at post-secondary institutions. A Private Member's Bill, Bill 214 the *Post-Secondary Statutes Amendment Act, 1998* sponsored by **Don Massey** (Liberal, Edmonton-Mill Woods), would have set a cap of 20 percent of gross operating expenditures. On April 21, 1998, Speaker **Ken Kowalski** ruled that as the Bills dealt with the same subject and as Bill 35 had received second reading on April 9th, Bill 214 would not proceed to second reading debate and would be removed from the Order Paper.

House Proceedings

The Standing Orders of the Legislative Assembly were amended by the Assembly during the sitting. The amendments provide for the following:

- The introduction of a "Recognitions" item after Question Period on Mondays and Wednesdays where up to seven Members, other than members of Executive Council, may give one minute statements of congratulations or recognition which are not debatable.
- Tablings required by statute may be made outside of the ordinary hours of sitting by providing the required number of copies to the Clerk's office before 10:30 a.m. on any day the Assembly sits. The Clerk reads the title of the tabling, if it is in order, when "Tabling Returns and Reports" is called in the daily routine.
- A Private Member may amend his or her motion standing on the Order Paper not less than

four sitting days before the motion is moved, subject to the Speaker's approval.

- Commencing in 1999, petitions to the Assembly may not be read and received if they do not include a notice stating that the name and address of every person who signs the petition may be made available to the public.

The first two amendments are only for the life of the 24th Legislature but may be repealed earlier if the Speaker receives written notice to that effect from any of the three House Leaders.

Committee Activity

On March 2nd the Assembly approved the establishment of a Select Special Committee to review the *Freedom of Information and Protection of Privacy Act*. The Committee is chaired by **Gary Friedel** (PC) MLA for Peace River.

On March 9th the Assembly passed a motion establishing a Select Special Search Committee for

the position of Chief Electoral Officer. The position came open with the departure of **Dermot Whelan** as Chief Electoral Officer. The Search Committee is chaired by **Paul Langevin**, (PC) MLA for Lac La Biche-St. Paul.

Other Events

On April 18th the Liberal Party elected **Nancy MacBeth** as their new leader. Mrs. MacBeth, formerly Betkowski, had served as a Cabinet Minister from 1986-92. She contested the leadership of the Progressive Conservative Party in 1992 losing to **Ralph Klein**. As Mrs. MacBeth does not have a seat in the Assembly, Speaker **Ken Kowalski** recognized **Howard Sapers**, MLA, Edmonton-Glenora as the Acting Leader of the Official Opposition on April 21st.

On May 11th, the former Leader of the Official Opposition, **Grant Mitchell**, MLA, Edmonton-McClung, resigned his seat. Mr. Mitchell had served as an MLA since 1986.

Robert Reynolds
Senior Parliamentary Counsel



Among the new bills that have been introduced in the Assembly since the resumption of proceedings on Tuesday, 10 March 1998, two are consequential to the ice storm of the month of January:

- Bill 391, *An Act respecting certain prohibited commercial practices*

when a state of emergency exists is a public bill introduced by an Official Opposition Member, Mr. Bergman (D'Arcy-McGee). It prohibits a merchant or manufacturer from selling or offering for sale goods or services at a price that exceeds by 20 % or more the highest price at which such goods or services were sold or offered for sale in the previous twelve months in the same administrative region.

- Bill 415, *An Act to establish a fund in respect of the ice storm of 5 to 9 January 1998* was introduced by the Chairman of the Treasury Board, **Jacques Léonard**. It provides for the creation and the rules of operation of the said fund which shall be dedicated to the management and financing of the exceptional expenditures borne by the government departments and government bodies and of the expenditures pertaining to various financial assistance programs established to provide compensation for damage caused by the disaster.

The provisional amendments to the Standing Orders and to the Rules of Procedure, which were carried by the Quebec National Assembly in the spring of 1997, were once again extended, this time until 21 October 1998.

It should be noted that updated versions of both the Standing Orders and the Rules of Procedure have been available on the National Assembly's Internet site since the resumption of proceedings on March 10 last. These documents can be accessed on our Internet site: www.assnat.qc.ca/eng/assemblee/ranindex.html.

On Wednesday, 25 March 1998, the Minister of Finance tabled in the Assembly the Estimates of Expenditure for 1998-99. The estimated expenses total \$41.8 billion, which represents an increase of 0.7 % in comparison with the previous fiscal year.

On the same day, the Speaker tabled the Estimates of Expenditure of the National Assembly for 1998-99. The expenses of the institution for the coming year are estimated at \$67.1 million, and the number of employees is as follows: 322 permanent employees and 154 casual employees. The figures regarding both the estimates and the employees are almost identical to those of the previous fiscal year. The Office of the National Assembly subsequently approved these expenditures.

The 1998-99 budget was presented by the Minister of Finance on Tuesday, 31 March 1998. While it indicates that 80 % of the zero-deficit objective (projected for next year) has been attained – the anticipated deficit for 1998-99 is of \$1.1 billion – the budget gives priority to employment and to youth and does not increase income and other taxes. For the first time in twenty years, a surplus in current operations is expected. It should also be noted that a major reform of the Government's accounting principles is underway, in accordance with the recommendations made by the Auditor General.

Within the framework of its pedagogical mission, the National Assembly was once again the host of two educational activities this spring:

- the Young Democrats Tournament, a friendly competition which tests the knowledge of some 300 young Quebecers from Grades 11 and 12 and the college level, on the concept of democracy, from ancient Greece to modern-day Québec;
- the Youth Parliament, an educational activity in which 90 sixth-grade students become Members for a day, during which time they hold a question period and pass one of three bills chosen by the selection committee. The issues of concern of these 11

and 12-year-olds in 1998 were clearly reflected in the legislation they proposed to pass: one and the same teacher per classroom for the entire elementary school year; an action plan to eliminate violence at school; and the obligation to wear protective headwear during physical education classes.

The finals of the Tournament and the Youth Parliament were broadcast live on the same channel that telecasts the proceedings of the Assembly, thus enabling the entire population to fully benefit from these educational activities.

Two Members recently ended their political careers: the Member for La Prairie, **Monique Simard**, resigned on 1 May 1998. She had been elected in the by-election held during the winter of 1996.

For his part, the Leader of the Official Opposition and Member for Vaudreuil, **Daniel Johnson**, resigned on Tuesday, 12 May 1998. It was in 1981 that Daniel Johnson first appeared on the political scene, as Liberal member for Vaudreuil-Soulanges. Re-elected in 1985, he was named Minister of Industry and Trade and Deputy Government House Leader. He was also Chairman of the Treasury Board from 1988 to 1994. On 14 December 1993, he became Leader of the Quebec Liberal Party and was sworn in as Prime Minister of Quebec on 11 January 1994, which position he held until 12 September 1994. He was re-elected Member for Vaudreuil on that day, and sat in the National Assembly thereafter as Leader of the Official Opposition until his resignation.

Following this departure, the new Leader of the Quebec Liberal Party, **Jean Charest**, appointed the Member for Saint-François, **Monique Gagnon-Tremblay**, as Leader of the Official Opposition at the National Assembly. Mrs.

Gagnon-Tremblay had been Deputy Prime Minister under the leadership of Daniel Johnson in 1994.

The standings in the National Assembly are now: 74 Parti Québécois; 45 Quebec Liberal Party; 3 Independents (including 1 from the Action démocratique du Québec Party); and 3 vacant seats.

Johanne Lapointe

Secretariat of the Assembly

Translation by Sylvia Ford

Secretariat of the Assembly

Committees' Report

During the last trimester, three reports on committee orders of initiative were tabled in the Assembly. It is noteworthy to mention that the recommendations contained in all of these reports were unanimously carried.

At the beginning of April, the Committee on Culture, under the chairmanship of the Member for Lévis, **Jean Garon**, tabled in the National Assembly two reports containing recommendations that were unanimously carried by its members.

The first report is on identification cards and the protection of privacy and is a follow up to the general consultation for which over 50 individuals and groups submitted a brief. This order of initiative by the Committee on Culture was undertaken in view of the numerous Government projects in progress (multiservice card for access to the government information highway, health card with microchip, electoral card) and of the eventuality of an obligatory identification card. The issues were examined with close attention paid to the potential threats to the privacy of citizens.

Upon the conclusion of the Committee proceedings, the members

were unanimous in their decision that the case regarding the fulfillment of requirements was not satisfactorily made and that the guarantees were not sufficient as to the protection of citizens' privacy, the right to anonymity and the right of all citizens to control the information that public administrations and private agencies have in relation to them. The Committee therefore recommended that no measures be taken to establish a multiservice card. At most, the pertinence of delivering an optional and neutral card should be examined, that is, a card that is not linked to any other identifier or data bank.

The second report is on a general consultation for which over 50 individuals and groups submitted a brief on the third five-year report of the Access to information commission entitled "Privacy and administrative transparency at the turn of the century". The members of the Committee on Culture unanimously adopted 14 recommendations essentially on the following issues: the exchange of personal information between public bodies, the subjection of professional orders to access to information and protection of personal information statutes, the implementation of new information and communication technologies, the accountability of public and private bodies on the measures to protect privacy, the structure of the access to information commission, the defense and the promotion of privacy and of the right to information.

On the other hand, the Committee on Labour and the Economy, chaired by the Member for Laurier-Dorion, **Christos Sirros**, also tabled, in early April, its report within the framework of an order of initiative on the management of Hydro-Québec. The order more specifically called for the examination of the

1998-2002 strategic plan tabled last October by this Crown corporation.

This report contains 17 recommendations that were unanimously carried by the members of the Committee. Among other things, the Committee recommends that the Government oblige the head officers of Hydro-Québec to come before the Committee on Labour and the Economy once a year in order that the activities and main orientation of the strategic plan be more closely examined, thus ensuring the transparency of the procedure. Also included in the report are important reservations regarding Hydro-Québec's orientation with respect to energy efficiency, market development and export, energy provided by new energy sources and the priority given to applied research rather than to fundamental research.

The main reports tabled by the committees (available in French only) can be found on the National Assembly's Internet site:

<http://www.assnat.qc.ca>.

Robert Jolicoeur

Clerk of the Committee on Culture

Translation by Sylvia Ford

Secretariat of the Assembly



House of Commons

On April 21, 1998, pursuant to Standing Order 51, the House debated the motion "That this House take note of the Standing Orders and procedures of the House

and its committees" The motion, which was not voted, was designed to enable MPs, "between the sixtieth and ninetieth sitting days of the first session of a Parliament", to express their views on various aspects of procedure in general and the Standing Orders in particular. This was the first time since S.O. 51 was adopted in 1982 that a motion had been placed on notice and debated.

On May 5, 1998, **Keith Martin** (Esquimalt--Juan de Fuca) rose on a point of order regarding a resolution adopted by the Standing Committee on Health. According to Mr Martin, the resolution, which required the members of the Committee to table their motions in both official languages, contravened not only the Standing Orders of the House of Commons but also SO 65 and subsection 4(1) of the *Official Languages Act*. Mr Martin concluded that "the Committee, by adopting a procedure restricting members from introducing a motion in the official language of their choice, has established a procedure that goes beyond the powers conferred on it by the House."

Stéphane Bergeron (Verchères) said that in his opinion the rights and privileges of members of the Committee had not been violated because an MP can still "present a motion in his or her language of choice, but must do so in sufficient time to enable all members of the Committee to perform their duties also in a fully informed manner, by having the motions to be examined available to them in their language also". The Speaker has not yet ruled.

Privilege

On March 16, the Speaker handed down a ruling regarding the question of privilege raised by **Michel Gauthier** (Roberval) on February 26, 1998. Mr Gauthier had accused certain Members of having used the

Canadian flag and national anthem "in a demonstration aimed at causing disorder, preventing someone from exercising the right to speak and disregarding the Speaker's orders". He had asked the Speaker to forbid the placing of Canadian flags on MPs' desks in the House. In his ruling, the Speaker reminded the House that "each Member is entitled to speak and each Member can expect a fair hearing, whether or not we agree with what they say or what they stand for". He added that the events of February 26 "were clearly out of order, according to our parliamentary rules and practices" and that therefore, and "unless and until the House decides otherwise", he would no longer allow the presence of Canadian flags on desks.

Government Bills

Two government bills received particular attention from the Members during the month of March. Bill C-36, *An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998*, tabled on March 19, completed Second Reading, consideration in committee and Report Stage. Among other things, Bill C-36 would establish the Canadian Millennium Scholarship Foundation. Bill C-19, *An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act* and to make consequential amendments to other Acts, was also the subject of several days of debate and is currently at Third Reading. This Bill is designed to offer a collective bargaining framework that will enable unions and employers to define their own agreements and settle their conflicts rapidly and economically.

Since our last report, and as at May 21, 1998, nine bills have received Royal Assent:

- C-5, *An Act respecting cooperatives*
- C-8, *An Act respecting an accord between the Government of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas*
- C-17, *An Act to amend the Telecommunications Act and the Tele-globe Canada Reorganization and Divestiture Act*
- C-18, *An Act to amend the Customs Act and the Criminal Code*
- C-21, *An Act to amend the Small Business Loans Act*
- C-33, *An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998*
- C-34, *An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999*
- S-4, *An Act to amend the Canada Shipping Act (maritime liability)*
- S-5, *An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts*

Parliamentary Exchanges

The President of the Palestinian Legislative Council and five members of the Council came to Ottawa in April. Mr **Ahmed Qurie** (Abu Ala), twice elected to the Presidency of the Palestinian Legislative Council, took advantage of his stay in Ottawa to meet, among other people, the Speaker of the House of Commons, **Gilbert Parent**; the Governor General, **Roméo Leblanc**, **Diane Marleau** (Minister of International Cooperation) and **Lloyd Axworthy** (Minister of Foreign Affairs). The other members of the Palestinian delegation took part in a series of activities between April 23 and April 29 organized by the Canadian International Development Agency. The purpose of the activities was to lay a foundation for cooperation between the two Parliaments and to discuss different themes linked to the process of introducing democracy on Palestinian territory.

Miscellaneous

On April 2, **Jean Charest** (Sherbrooke) announced that he was resigning his position as leader of the Progressive Conservative Party of Canada. His resignation took effect

on April 3 and **Elsie Wayne** (Saint John) was chosen to replace him as party leader. On May 1, the Speaker of the House of Commons announced Mr Charest's resignation as Member for the riding of Sherbrooke.

On April 20, having notified the Chair of his intention to raise a question of privilege, **Stéphan Tremblay** (Lac-Saint-Jean) said that it was becoming more and more difficult to do his work as an MP in the context of globalization and, in a gesture that took many people by surprise, he left the House carrying his chair, "to start a public debate on globalization".

On April 21, **Lou Sekora**, the new Member for the riding of Port Moody--Coquitlam, was introduced in the House of Commons by the Right Honourable **Jean Chrétien** and **David Anderson**. Elected under the banner of the Liberal Party of Canada during a by-election on March 30, 1998, Mr Sekora brought the number of government MPs to 156.

Patrice Martin
Procedural Clerk