



Legislative Reports



Manitoba

The 4th Session of the 36th Legislature continued to sit during the months of May and June. A significant portion of Assembly time was spent on the consideration of departmental estimates in the three sections of the Committee of Supply. Three departments, Education, Health and Justice, accounted for nearly 40% of the allotted 240 hours, with these departments clocking in at nearly 35, 38 and 23 hours of consideration respectively.

In the Health estimates, a considerable amount of time was spent discussing a motion by **Diane McGifford** on April 27, which recommended that a free vote be held in the Manitoba Legislature and in the House of Commons on whether to extend compensation to all persons who have contracted Hepatitis C from contaminated blood products. After four days of vigorous debate, the motion was defeated on a voice vote. Subsequently, Ms. McGifford moved another motion

which expressed support for the position taken by the Quebec National Assembly regarding Hepatitis C compensation, and urged that an extension of the existing compensation agreement be entered into to provide compensation for all persons who contracted Hepatitis C from contaminated blood or blood products. The motion was debated for several days, and by agreement of the Committee was set aside in consideration of further developments on this issue. The motion did not ultimately proceed to a vote.

In addition to estimates discussions, the latter weeks of the session were spent on the second reading, committee stage, report stage and third reading consideration of legislation. By session's end, 57 pieces of government legislation and 4 private bills passed through all stages and received Royal Assent. Some of the more notable pieces of government legislation considered 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 the revision of voters lists, extends the right to vote to judges, incorporates administrative practices regarding inmate voting, and which also strengthens the investigatory power of the Chief Electoral Officer.
- Bill 35 - *The Mental Health and Consequential Amendments Act*, which changes confidentiality provisions, certificate of leave provisions, expands Review Board appeals, grants the Public

Trustee the ability to make treatment decisions for patients who are under order of supervision in psychiatric facilities, and changes the private committee-ship provisions. In a gruelling marathon committee meeting held on June 19, the Standing Committee on Law Amendments met from 9:30 a.m. until 8:00 p.m., with several recesses, to hear from the 37 persons and organizations who had registered to speak to the Bill.

- Bill 36 - *The City of Winnipeg Amendment and Consequential Amendments Act*, which extends terms of City Council from three years to four, gives the Mayor the authority to determine the size of and appoint members to the Executive Policy Committee, cast tie breaking votes and temporarily suspend the Chief Executive Officer, as well as eliminating community committees. In response to a number of presentations made at committee, Urban Affairs Minister **Jack Reimer** introduced amendments to remove the ability of the Mayor to cast tie-breaking votes.
- Bill 40 - *The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendments Act*, which provides victims of stalking and victims of domestic violence with the ability to seek a wide range of civil remedies, and which creates two different types of orders, protection orders and prevention orders, that will be available for victims of stalking and domestic violence.

- Bill 43 - *The Victims' Rights and Consequential Amendments Act*, which outlines a series of rights for crime victims, including the ability to have information about and meaningful involvement with criminal proceedings taken against accused persons, the unqualified right to free legal advice about victims' rights, the ability to request restitution, and the entitlement to be informed about rights, potential involvement in restorative justice as well as the status of criminal proceedings.
- Bill 57 - *The Regional Health Authorities Amendment Act*, which seeks to ensure that health service delivery by health corporations within a regional health authority are based on written agreements between the regional health authority and the health corporation, agreements which include specification of the services purchased, funding of facilities, and a dispute settlement resolution process.

Royal Assent was granted to the government legislation and the private bills on June 29. The session concluded sitting on that date.

One issue that dominated Question Period during the last two weeks of sitting and which received considerable media coverage in the local and national news concerned allegations by a candidate in the 1995 provincial election that vote splitting had occurred. **Darryl Sutherland**, who had run as a candidate for the Native Voice Party, alleged that he and other candidates, had received advice and funding from prominent Progressive Conservatives, with the intention of syphoning votes away from the NDP in the ridings of Dauphin, Swan River and Interlake. Elections Manitoba had conducted an investigation of the matter in 1995, and had determined at that time that

there was no evidence of wrongdoing. In response to the resurgence of the issue, Justice Minister **Vic Toews** moved a government motion to appoint a public inquiry headed by the Chief Electoral Officer to investigate the matter under the provisions of *The Manitoba Evidence Act*. The motion was subsequently amended to appoint retired Chief Justice **Alfred Monnin** to head the inquiry, after Chief Electoral Officer **Richard Balasko** asked that his name be withdrawn, citing concerns with having the confidence of the Members of the Assembly. The amended motion was adopted on June 29.

Myrna Driedger was elected to represent the Charleswood constituency for the Progressive Conservatives in a by-election held on April 28, 1998. She most recently served as the Chief Executive Officer of Child Find Manitoba, has 23 years experience as a registered nurse, and appears in the *Who's Who of Canadian Women*. In addition she has served on a number of committees, including the Abuse Prevention Services Adult Advisory Committee of the Canadian Red Cross, a provincial steering committee on the issue of child prostitution, the Community Safety Committee of Downtown Biz, the Poverty Advisory Committee and Homeless Children and Youth Action Committee of the Social Planning Council of Winnipeg. She has helped to create a program to decrease the number of aboriginal children and youth at risk of abduction, abuse and exploitation. The Charleswood seat had become vacant with the resignation of **Jim Ernst** last fall.

Patricia Chaychuk
Clerk Assistant



Senate

The eight-week period between the resumption of sitting following Easter break and the adjournment for summer is usually a busy one for the Senate. In addition to debating legislation already before the Senate from the House of Commons as well as several Senate initiated items, there are several Government bills sent to the Senate for speedy consideration prior to the summer adjournment. The scale of the workload can be measured by the fact the Senate adopted eighteen Government Commons bills during this period, out of a total of thirty-one enacted thus far this session. Twelve of these Government bills arrived in the Senate following Easter, and of these six arrived in June including two supply bills. Four other Government bills that arrived recently are still on the Order Paper and will be taken up when the Senate returns to business in late September.

Of the Government bills considered by the Senate, several are of particular interest. One is Bill C-4, *an Act to amend the Canadian Wheat Board Act*. The bill which changed the governing structure of the Wheat Board and made its buying operations more flexible generated enormous interest in the prairie provinces. The Senate Committee

on Agriculture and Forestry travelled extensively to gather testimony from farmers and others who either defended or opposed the existence of the Wheat Board. In the end, the Committee proposed several amendments to the bill which sought to accommodate the contending views. These amendments were adopted by the Senate and subsequently accepted by the House of Commons.

Another bill, Bill C-36, seeking to implement numerous provisions of the February budget, drew considerable attention because of the federal Government's \$2.5 billion millennium scholarship fund to assist post-secondary students in financial need. Debate in the Senate concentrated on the complaint that the establishment of the fund constituted an intrusion in the field of education, a domain of exclusive provincial jurisdiction. Two amendments were proposed to the third reading motion of the bill, but in the end, the bill was adopted without amendment on June 17 and was among those bills that received Royal Assent on June 18, the last day of sitting before the summer adjournment.

Still another bill that was the object of some amendments was Bill C-19, affecting the *Canada Labour Code (Part I)* as well as some other Acts. Specifically, Senator **Noel Kinsella** objected to the drafting of the bill and the fact that its language was not gender neutral. He first raised this as an issue when he spoke to the second reading of the bill June 8 and sought unsuccessfully to have the subject-matter of the bill studied in committee. During the committee hearings, he again attempted to make changes to the language of the bill by proposing more than seventy amendments, but all were rejected. In a final attempt, a twenty-two page

omnibus amendment was moved during debate on the third reading. The amendment was defeated and Bill C-19 was adopted and passed without any changes.

Two Senate Public Bills obtained third reading in June. The first was Bill S-11, sponsored by Senator **Erminie Cohen**. It seeks to add social condition as a prohibited ground of discrimination to the Human Rights Code. In speaking to the bill at third reading June 9, Senator Cohen noted how poverty tends to marginalize people and can result in serious breaches in equality rights.

The second, Bill S-13 proposes to establish a foundation to be financed by the tobacco industry that would have as its principle objective the reduction of adolescent smoking through the promotion or establishment of various educational programs.

When the Bill S-13 was first debated in the Senate, it was the object of a point of order that resulted in a significant ruling by Speaker **Gildas Molgat**. The first point of order raised on March 17 concerned the financial provisions of the bill; another point of order was subsequently raised on March 25 questioning whether the bill should have been presented as a private bill.

The Speaker ruled on the two points of order April 2. With respect to the public or private nature of Bill S-13, the Speaker determined that the bill was introduced as a public bill and that in the absence of any evidence to the contrary, it could proceed as a public bill. He also ruled that there was nothing in the bill suggesting that it appropriated government funds and therefore, there was no need for a royal recommendation. Finally, the Speaker found that, at least within the context of the bill, the charge imposed on tobacco products was a levy and

not a tax. Accordingly, as this was not a tax measure that must be introduced in the House of Commons through a Ways and Means motion, the bill was properly before the Senate.

Still another legislative measure, Bill S-15, to provide an alternative to the traditional Royal Assent ceremony has been reported by the Legal and Constitutional Affairs Committee with amendments, but the Senate has yet to adopt the report and proceed to third reading.

As with most legislatures, the final day of sitting prior to any extended adjournment tends to be hectic and intense. This was certainly true of the Senate on June 18. In the course of a lengthy sitting, there were several recorded divisions as well as some good debate. Among the more intriguing debates was that on the motion endorsing the recommendations of the Krever Commission that had been originally moved by Senator **John Lynch-Staunton**, the Leader of the Opposition. Once the amendment and sub-amendment proposed by the Opposition were defeated by recorded votes, Senator **Michael Kirby** on behalf of the Government moved an amendment limiting Senate's support of the Krever Commission to its first recommendation and recognizing the leadership role of the federal government in developing a suitable compensation package for those infected with hepatitis C through the blood system. Initially the Opposition seemed to object to the amendment, but following a candid exchange between Senator Lynch-Staunton and Senator **Sharon Carstairs**, Deputy Leader of the Government, the Senate agreed to adopt the amendment and the motion as amended without one dissenting voice.

Legal and Constitutional Affairs has been one of the busier commit-

tees of the Senate thus far, having received 13 legislative references. One of the bills studied by this committee was Bill C-220, a bill that had been successfully marshalled by **Tom Wappel**, MP through the House of Commons as a Private Member's Bill. The object of the bill was to deprive convicted criminals the opportunity to benefit from the proceeds of any book they might write relating to their crime. On June 10, more than seven months after receiving the reference, Legal and Constitutional Affairs reported that the bill should not be further proceeded with. In a lengthy statement to the Senate, Senator **Lorna Milne**, the Chair of the committee, explained that, while the committee appreciated the aims of the bill, it is fundamentally flawed in that it violates the fundamental right of free speech. After several other Senators made supporting statements, the report was adopted.

In the wake of the episode with Senator **Andrew Thompson**, the Senate charged the Standing Committee on Privileges, Standing Rules and Orders to review the issue of attendance. In an attempt to deal with this complex question comprehensively, the report proposed to clarify the process of registering attendance. The committee also proposed to define the term "attendance to business" in a way that recognizes the different work performed by Senators aside from being in the Senate during sittings. In addition, the committee also recommended that the deduction from Senators' remuneration and allowance be raised to \$250 per sitting day for non-attendance. The report was adopted June 9.

On June 16, the Speaker was required to rule on a question of privilege raised June 11 by Senator **Anne Cools**. She had objected to the announcement that two MPs were

proposing to circulate petition forms supporting the abolition of the Senate to all their colleagues. In his ruling, the Speaker explained that no *prima facie* case of privilege had been established. As the Speaker pointed out, the right of citizens to petition Parliament on any matter within its jurisdiction is as old as Parliament itself and, accordingly, it is difficult to see how it can be a breach of privilege. Be that as it may, the matter is not fully resolved since Senator Cools has given notice of a motion to have her question, the Speaker's ruling and the definition of *prima facie* case referred to the Committee on Privileges, Standing Rules and Orders.

Senator Cools also complained about the non-attendance of MPs at meetings of the Special Joint Committee on Child Custody and Access. After debating the issue as an inquiry, Senator Cools went one step further June 16 when she gave a notice of a motion to rescind the decision of the Senate to participate in the Special Joint Committee. It is expected that the motion will be debated by the Senate when it resumes sitting in September.

There have been a significant number of changes in the membership of the Senate in the months leading up to June adjournment. Among the Senators who left upon reaching the mandatory age of retirement are Senator **Richard Stanbury** (Ontario), Senator **Duncan Jessiman** (Manitoba), Senator **Jacques Hébert** (Quebec) and, as of August 16, Senator **Philippe Gigantès** (Quebec). To fill the vacancies the Government has made several appointments, though the Senate is not yet at full strength. As of August 1, there are still three positions to be filled. The five most recent appointments are Senator **Lois Wilson** (Ontario), Senator **Frank Mahovlich**

(Ontario), Senator **Calvin Ruck** (Nova Scotia), Senator **Richard Kroft** (Manitoba) and Senator **Marian Maloney** (Ontario).

Charles Robert
Deputy Principal Clerk



British Columbia

The current legislative session continued through July, with a crowded order paper of government initiatives. To accommodate debate on some contentious matters, the House has been sitting evenings for several weeks, including several very late nights and one 20-hour continuous sitting.

Legislation

The central focus of debate in the House from late June to mid-July was Bill 26, the *Labour Code Amendment Act*. Introduced by Labour Minister **Dale Lovick** (Nanaimo), the bill would make it easier for unions to organize in B.C.'s non-residential construction industry. The official opposition, the Liberals, immediately focussed intense criticism on the bill and extended second reading debate for some time.

In this, they were aided by the success of a rare procedural manoeuvre. One of their members, prior to the usual lunchtime ad-

jourment, moved adjournment of the House without first moving adjournment of the debate. The significance of the tactic was not noticed by those government members present in the House at the time, who allowed the motion to pass. The motion for second reading of the bill thus became a "dropped order", forcing the government to place a motion on the order paper for reinstatement of second reading. The reinstatement motion was opposed by the Liberals, who pointed to a precedent of the U.K. House of Commons in which a dropped order was not proceeded with. Speaker **Gretchen Mann Brewin** (Victoria-Beacon Hill) was forced to rule on the procedure for reinstatement. In doing so, she ruled that the re-instatement motion was in order but was debatable. The opposition then engaged in a protracted debate on the motion, which passed after five days of debate. The bill finally received second reading on July 14th, after some 80 hours of debate.

Though the *Labour Code* amendments have dominated House business, other significant legislation has been introduced. On July 17, the government introduced controversial changes to the *Lottery Act*. This was in response to a British Columbia Supreme Court ruling that the regime under which charity casinos had operated in the province from 1986 to 1997 was improperly structured, and thus was in contravention of the *Criminal Code*. The legislative changes seek to protect the government and charities from legal action in regard to casino licensing fees that may, as a result of the ruling, have been illegally paid. The new law would apply retroactively to 1986.

Municipal Affairs Minister **Jenny Kwan** (Vancouver-Mt. Pleasant) introduced a bill that, with 321 sec-

tions, makes substantial amendments to the *Municipal Act*. The bill, part of an ongoing reform of local government in British Columbia, provides formal recognition of municipalities as an independent order of government. It also gives broader corporate powers to municipalities, especially in the area of public-private partnerships, by limiting interference from the provincial government.

The *Muskwa-Kechika Act* would establish a vast park area in north-eastern British Columbia. At 4.4 million hectares, the Muskwa-Kechika Management Area, as it is formally called, is approximately the size of Nova Scotia and contains astonishing biodiversity: elk, caribou, bison, bears, lynx and dozens of rare and endangered bird species. Just over one million hectares are to be protected as parkland, with the remainder designated as special management zones. These zones, in which only limited, controlled development can occur, are acknowledged to be important buffer zones, and are being held up as a model for future environmental protection. The Act is the result of extensive consultation between government and northern British Columbians, including industry leaders, environmentalists, scientists, guides, trappers and outfitters and aboriginal groups.

Nisga'a Treaty

Wednesday, July 15th marked an historic event in the relationship between the B.C. and federal governments and aboriginal people. Negotiators representing the federal and provincial governments and the Nisga'a people finalized the first comprehensive modern aboriginal treaty in the country. After several years of negotiating with the 6,000-member Nisga'a people, negotiators signed an Agreement-in-

Principle in 1996, which was referred to a standing committee for public input. A further two years was required to draft the final text of the treaty, which is widely seen as providing a model for other aboriginal treaties currently under negotiation in the province.

Under the proposed treaty, the Nisga'a people will receive title to 1,930 km² of Crown land in the Upper Nass Valley in north-western British Columbia, as well as control over forests and natural resources. Privately held land is not subject to the treaty. The Nisga'a will also receive approximately \$200 million in compensation payments and government projects in the area. Self-government provisions have been described as resembling those of municipalities, but with some extra powers. They include jurisdiction over health, education and social services for the Nisga'a, as well as the power to create a police force and justice system. The Nisga'a government will have the power to tax. In return, exemptions from federal and provincial income and sales taxes currently enjoyed by the Nisga'a will end.

Relatively few non-aboriginal people live on the lands affected, yet early concerns have been raised about their status. They will not be able to vote for the Nisga'a government, but will be subject to the laws it creates. However, they will have the option of using the provincial court system to resolve criminal and civil matters.

Another area of contention is the ratification process for the treaty. The opposition and other critics are calling for a provincewide referendum. The government has rejected this option, instead announcing that a free vote will be held in the Assembly on the enabling legislation.

Legislative Committees

The Assembly has established a Special Committee to Review the Multilateral Agreement on Investment (MAI). Chaired by New Democrat MLA **Joan Smallwood** (Surrey-Whalley), the committee has begun receiving briefings on the status of Canada's negotiations with the OECD. The committee is charged with receiving public submissions on the potential effects of the treaty on British Columbia.

The Special Committee to Review the *Freedom of Information and Protection of Privacy Act* was restructured by the Assembly. At its first meeting after the session, New Democrat member, **Moe Sihota** (Esquimalt-Metchosin), was elected Chair. The committee plans to hold one final public hearing before reporting to the Legislature on October 4, 1998.

The Select Standing Committee on Agriculture and Fisheries, with New Democratic Party MLA **Bill Hartley** (Maple Ridge-Pitt Meadows) as Chair, will be active this winter holding public hearings on an agrifood policy for British Columbia. The Ministry of Agriculture and Fisheries has been in the process of developing an agrifood policy in consultation with stakeholder groups since 1994, when the ministry saw the need to examine how food production in the province would be impacted by post-GATT open borders on food imports and the termination of the Crow rate and feed freight assistance. The consultation process will produce a final draft by December, which, through the committee, will be put forward for consideration by the people of B.C. It is intended that through the stakeholder and public hearing process, an agrifood policy acceptable to all parties will be ready to present to the Legislature at the next session.

A Special Committee has also been appointed to select and unanimously recommend the appointment of an ombudsman, pursuant to section 2(2) of the *Ombudsman Act*. **Dulcie McCallum** is currently the ombudsman, but her position expires, by statute, in early August. An order-in-council has extended her term until the committee reports its recommendation to the House.

Resignation of Member

On June 23rd, following events that garnered national attention, MLA **Paul Reitsma** resigned as member for Parksville-Qualicum. Mr. Reitsma was discovered to have been writing letters to local newspapers under an assumed name in which he attacked his political opponents and praised himself. Following disclosure of the letters, he was removed from the Liberal caucus, and local residents launched a recall campaign under the *Recall and Initiative Act* - the only such legislation in Canada. When it appeared that enough signatures had been collected on the recall petition to enable recall, Mr. Reitsma announced his resignation. A by-election has not yet been scheduled.

Death of Former Speaker

On July 1st, former MLA and Speaker **Emery Barnes** died, following a battle with cancer. First elected for the New Democrats in 1972, Mr. Barnes had previously played professional football in the United States and Canada, and had been a social worker in B.C. Long a champion for the underprivileged, he once attracted significant attention to the plight of the poor by living for a month in east Vancouver on the stipend provided to welfare recipients. He was elected Speaker of the House in 1994, remaining in

that position until his retirement in 1996. Current members from all sides of the House eulogized "Big Em", noting in particular his warmth and spirit, and the respect with which he treated friend and foe alike. His memorial service in Vancouver attracted over a thousand mourners.

Neil Reimer, Committee Clerk
and **Wynne MacAlpine**, Researcher



The extensive hours of meeting at the Assembly took place from 26 May 1998 to 19 June 1998. During this period, the Assembly passed thirty-six Government bills - three of which were adopted within the framework of a motion to suspend rules of procedure - two private members' public bills and sixteen private bills. Among the more significant of these are the following:

With regard to health:

- the *Tobacco Act*, which proposes a body of rules to regulate the use, sale, advertising and promotion of tobacco and tobacco products. For example, the operators of restaurants of thirty-five seats or more where smoking is permitted will be required to set aside enclosed, ventilated smoking areas. All sales of tobacco to minors are prohibited as well as all direct and indirect sponsorship associated with a sports, cultural or social event. The bill provides for a transitional period for sponsor-

ship contracts already in effect, and a subsidy may be granted to persons or bodies having proved to the Minister that they have renounced all sponsorship from the tobacco industry.

- the *Act respecting Héma-Québec and the haemovigilance committee*, which covers the supply of blood and blood products as well as the product collection, processing and distribution operations. Héma-Québec now replaces the Red Cross in Quebec.

With regard to employment:

- the *Act respecting income support, employment assistance and social solidarity*, which introduces, among other things, three financial assistance programmes and provides for information, vocational guidance and placement services in order to foster the economic and social autonomy of individuals and to assist individuals in their efforts to enter, re-enter or remain on the labour market.

With regard to the environment:

- the *Act to provide for the protection of groundwater*, under which no person will be authorized to establish facilities to extract groundwater, all or part of which is to be marketed for human consumption, in bottles or other containers, or to increase the rate of flow in facilities that extract groundwater, all or part of which is to be used for such purposes, above a certain rate of flow. This bill is of temporary application, since the provisions contained therein will cease to have effect on 1 January 1999 at the latest.

With regard to finance:

- the *Act respecting the distribution of financial products and services* - before which passage several consultations were held - which replaces the *Act respecting market intermediaries*. It creates a single financial services bureau, the Bureau des services financiers, whose mission is to protect the public, to issue to qualifying

representatives a certificate authorizing them to act as representatives in insurance of persons, damage insurance agents or brokers, claims adjusters, financial planners, group savings plan representatives, investment contract representatives or scholarship plan representatives. Representatives will be required to pursue their activities for a firm which must register with the Bureau. Every legal person having an establishment in Quebec may register as a firm to offer financial products and services through representatives, including deposit institutions such as trust companies and credit unions. Finally, certain insurance products, such as travel insurance, vehicle rental insurance and credit and debit card insurance, may be offered by distributors who are not insurance representatives.

With regard to culture:

- the *Act to establish the Grande bibliothèque du Québec*, which provides for the establishment of a library to be known as the Grande bibliothèque du Québec. The mission of the library will be to offer democratic access to culture and knowledge. The Grande bibliothèque (GBQ) will be situated in Montreal.

Speaker's Ruling

This spring, the Chair was asked to rule on various matters, two of which were particularly interesting.

In the first case, the Speaker declared out of order a request by a Member to rise on a point of privilege. The matter related to another Member of the Assembly with regard to comments he allegedly made and confidential documents that were tabled in the House on 3 and 4 June 1998 and which implicated the Minister of Revenue.

In his ruling, the Speaker indicated that the freedom of speech privilege enjoyed by Members en-

sures that, when Members accomplish acts within the framework of parliamentary debates, only the rules of parliamentary law apply. Since this is a constitutional privilege, it has precedence over all other inferior rules of law contained in the legal hierarchy, in this case the *Act respecting the Ministère du Revenu* and the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

Given the absence of rules of parliamentary procedure regarding the right to privacy, the Speaker of the Assembly is not empowered to question whether comments made or documents tabled in the Assembly are contrary to statutes. The Speaker of the Assembly is empowered to interpret only those statutes containing parliamentary procedure. Consequently, the Speaker does not have the authority to decide on whether a Member has allegedly breached certain legislative provisions while outside of the Assembly, thus warranting a Member to rise on a point of privilege in the Assembly.

The Chair was also asked to rule on the validity of suspending the Assembly's proceedings while a recorded division is in progress. While referring to Standing Order 44, the Speaker reminded the Assembly that he may, at any time, suspend or adjourn and that there are no exceptions to the rule regarding the power exercised by the Chair to preserve order and decorum. As for the second paragraph of Standing Order 103 (which stipulates that if at the hour of rising any division is in progress, or any question is then being put from the Chair, the proceedings shall not be adjourned until the sense of the Assembly shall have been declared), it applies only if a division is in progress at the time appointed for the

suspension or rising of the Assembly.

Other Matters

Since May 1998, the Assembly has undertaken the task of upgrading its material components and software and has thus begun replacing its micro-computer resource pool. The project, which should be completed by March 1999, includes the installation of a new work environment: word processing shall pass from WordPerfect to Word; Windows 98 will be the initial operating system installed but will subsequently be replaced by Windows NT5; and Microsoft will be the integrated office technology used. The choice has not yet been made with regard to the type of software that shall be used for collaborative work.

On 19 June 1998, the last day of the session, the Assembly appointed a new Chief Electoral Officer of Quebec, **Jacques Girard**. Mr. Girard had been Director of Legal Services and Political Parties Registrar at Elections Canada since 1992. He held a similar position at the Office of the Chief Electoral Officer of Quebec from 1989 to 1991. On the eve of his appointment, a special bill was passed by the Assembly in order to formalize Mr. Girard's status, thus making him eligible for the position of Chief Electoral Officer, given that he had been residing in Ontario for over two years and no longer had the elector qualifications required for this appointment.

A by-election held on 1 June 1998 in the riding of Argenteuil was won by Liberal candidate **David Whisell**, who was officially welcomed in the Assembly on 10 June 1998, after having been sworn in by the Secretary General.

Finally, the resignation of the Liberal Member for Marguerite-Bourgeoys, **Liza Frulla**, took effect on 1 August 1998. The political par-

ties at the National Assembly now stand as follows: 74 Members of the Parti Québécois; 45 Members of the Québec Liberal Party; 3 Independent Members (including 1 Member from the Action démocratique du Québec Party); 3 vacant seats.

Johanne Lapointe

Secretariat of the Assembly

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Committees' Report

The spring session was characterized by considerable time spent in committee for the clause-by-clause consideration of bills, and an equally great amount of time spent on orders of initiative, consultations and public hearings on various matters of public interest.

The Committee on Public Finance, gave clause-by-clause consideration to a bill containing 490 sections which henceforth enables Quebec chartered deposit institutions to offer all types of insurance products. It also undertook an order of surveillance of the Caisse de dépôt et placement du Québec. This Government agency manages, amongst other things, the Quebec Government employees' pension plans. In order to more clearly understand certain issues, the Committee held in-camera sittings to hear the president and chief executive officer of the Caisse with regard to contentious issues. One of the recommendations included in the recently tabled report suggests that an ombudsman handle the cases involving entrepreneurs who feel they were the victims of wrongful actions or decisions made by the Caisse.

In June, this Committee also tabled a progress report regarding another order of initiative, this time on

lobbying. The members agreed to hold public consultations on a proposal concerning the advisability of supervising this activity via a self-regulatory mechanism.

The Committee on Social Affairs also kept a very busy schedule with the hearings of the head officers of the Quebec Pension Board, within the framework of the examination of its orientation, activities and management and the examination of certain regulations under the Board's jurisdiction. It also held public hearings on a bill concerning income support, employment assistance and social solidarity. Consideration of the bill respecting the reform of social assistance could not be concluded since it was referred back to the Assembly by means of a motion to suspend rules of procedure to ensure its passage before the summer holidays. Finally, a bill prohibiting smoking in certain enclosed spaces and regulating the sale of tobacco and all advertising and promotion involving tobacco products was also referred to this Committee for clause-by-clause consideration.

The Committee on Culture, which had previously held an extensive consultation on the establishment of an institution whose aim is to provide democratic access to culture and knowledge, was given a mandate to examine the bill establishing a library to be known as the Grande bibliothèque du Québec. While pursuing the mission to assert the importance of reading and to promote Quebec publishing, the Grande Bibliothèque will also be given custody of the second copy of every published document deposited, together with a mandate to promote such documents and make them available to the public.

The Committee on Public Administration produced its third report on the accountability of deputy ministers and the heads of public

agencies. Referring to the Auditor General's most recent annual report, the Committee's goal was to clarify the administrative deficiencies discovered in certain ministries and agencies, and the thirty-eight recommendations that it made indicate its desire to ensure that corrective measures be taken as soon as possible. The Committee also examined the issue regarding casual employment in the public service and came to the conclusion that the Government should give permanent status to casual employees who have been at a specific post for five consecutive years.

It should also be mentioned that for the first time since its establishment, the Auditor General, of his own authority, tabled a special report in the Assembly. The Committee on Public Administration was thus required to urgently meet in order to examine the report on the administrative management of the Public Curator. Rectification proposals were included in the Committee's report.

One of the more important mandates of the Committee on Institutions was undertaken in June with the holding of a consultation on the Calgary Declaration. Close to twenty experts were asked to express their views on the question during these hearings. The Committee also heard organizations with regard to a bill amending the Professional Code so as to allow for the fusion of certain professional orders. Moreover, the clause-by-clause consideration of a bill amending the *Election Act* and the *Referendum Act* was also entered upon, since the provisions of the *Referendum Act*, which are taken from the *Quebec Election Act*, concerning the control of electoral expenses had been rendered inoperative following a ruling, handed down on 9 October 1997 by

the Supreme Court of Canada, in favour of **Robert Libman**, former leader of the Equality Party.

After having held consultations on a bill amending the *Mining Act* and the *Act respecting the lands in the public domain*, the Committee on Labour and the Economy concluded the clause-by-clause consideration of this bill, which makes substantial changes to the mineral exploration licences and leases and which replaces the ground-staking method for obtaining mineral claims by the computerized map designation method. The Committee also heard the organizations interested in legislation introducing amendments to the building code and the construction industry laws.

The Committee held in-camera meetings with physicist **Pierre Couture**, whose scientific work at the Electricity Research Institute of Hydro-Québec had led to the development, some years ago, of a power-train designed for a hybrid electric vehicle. Following these meetings with Dr. Couture, the members of the Committee heard Hydro-Québec's head officers who had been involved in the decision that was taken at the time to abandon a part of the project.

In recent years, certain events, such as the floods of July 1996 that occurred in the Saguenay region, have helped put into perspective the significance of the water management issue in Quebec. Thus, the Committee on Transportation and the Environment was mandated to hold consultations within the framework of the clause-by-clause consideration of a bill providing for the protection of groundwater by prohibiting the establishment of facilities to extract groundwater to be marketed for human consumption. It should be noted that these provisions are of temporary application, since they will cease to have effect

on 1 January 1999. The Committee also held a consultation with regard to a bill that introduces a new framework for road transport in Quebec. The bill in question, the *Act respecting owners and operators of heavy vehicles*, aims at increasing the safety of road users and preserving the integrity of the road network.

During this busy work period, the Secretariat of Committees was visited by the Clerk of the Committee on Natural Resources, National Wealth and the Environment from the Chilean House of Representatives, within the framework of a training programme organized by the Follow-up Committee of the Parliamentary Conference of the Americas. The Secretariat also was host to a delegation of four executive officers of the Haitian Senate Committees' Branch on the occasion of a study programme on parliamentary committee operations. A few weeks prior to this, a professional from the Secretariat of Committees, **Denise Lamontagne**, had been sent to the Haitian Parliament for a one-week observation period.

Finally, **Doris Arsenault** was recently appointed Director of the Secretariat of Committees. Mr. Arsenault had been coordinating this branch for the past eight years. He is also Clerk of the Committee on the National Assembly and of the Committee on Agriculture, Fisheries and Food.

Nancy Ford

Clerk of the Committee on Labour and
the Economy

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