



# Legislative Reports



## Manitoba

**A**lthough the Manitoba Legislative Assembly did not sit during the Fall, a number of issues that were of interest to legislators received public attention.

### Judicial Compensation Committee

Under section 11.1 of *The Provincial Court Act*, a Judicial Compensation Committee (JCC) is struck biannually to review and report to the Minister of Justice on the salaries and benefits payable to judges, including pensions, vacations, sick leave, travel expenses and allowances. After the JCC presents its report to the Minister, the report is then tabled in the Assembly and referred to the Standing Committee on Privileges and Elections for review. In late June, the JCC presented its report to the Minister of Justice, and the report was tabled in the House on June 29. This year marks the third time that such a review has been conducted.

The Standing Committee on Privileges and Elections met on July 16 to consider the report and to hear

comments from a representative of the Provincial Judges Association regarding the report. The Committee met again on September 15 to consider the report, but did not complete consideration of the report or adopt any recommendations regarding judicial compensation, necessitating further meetings of the Committee.

### Proposed Electoral Boundary Changes

The Manitoba Electoral Boundaries Commission was struck earlier this year to complete the required decennial review of the provincial electoral boundaries. Comprised of Chief Justice of Manitoba **Richard Scott**, University of Manitoba President **Emöke Szathmáry** and Chief Electoral Officer **Richard Balasko**, the Commission released a preliminary report in July, recommending changes to the boundaries of 55 of the 57 electoral divisions. Under the proposed redistribution, the number of seats in the north, rural south and in the city of Winnipeg would remain the same, however the boundaries of nearly all constituencies would be changed to take into account population shifts within the Province. A number of constituency names would also be changed.

The Commission held public hearings throughout the province in August and September, and is anticipated to complete its final report and recommendations by late 1998.

### Children's Advocate

The Standing Committee on Privileges and Elections met on October 5, 1998, to discuss plans for appointing a Children's Advocate as an Officer of the Legislative Assembly. Previously, the position of Children's Advocate for the Province was under the auspices of the Department of Family Services, however with the passage of *Bill 4 - The Child and Family Services Amendment and Consequential Amendments Act* during the most recent legislative session, the Children's Advocate became an Officer of the Legislative Assembly. The Bill also stipulates that the Privileges and Elections Committee is the body to consider applicants and make a recommendation for appointment. At the October 5 meeting, a Sub-Committee was struck to set the criteria for the hiring of the Children's Advocate and to draft an advertisement for approval by the main Privileges and Elections Committee.

### Public Inquiry

As mentioned in the Summer edition of the *Canadian Parliamentary Review*, a public inquiry, headed by retired Chief Justice **Alfred Monnin**, has been appointed to conduct an investigation into allegations that during the 1995 provincial election, prominent Progressive Conservatives provided advice and funding to candidates of the Native Voice Party, as a way of syphoning votes away from the NDP in the ridings of Dauphin, Swan River and Interlake. A hearing was held in late

August, to determine who would receive standing at the inquiry, and standing was granted to the Progressive Conservative, NDP and Liberal parties, as well as **Taras Sokolyk** (former chief of staff to the Premier), **Allan Aitkin** (former Tory campaign manager), **Nelson** and **Carey Contois** (former Native Voice candidates) and Elections Manitoba. The mandate of the inquiry has also been changed. The original terms of reference restricted the inquiry to investigating alleged infractions of *The Elections Act* and *The Elections Finances Act*. However, a September 23 order-in-council expanded the mandate to also investigate any wrongful concealment or cover-up of circumstances surrounding the alleged infractions. Public hearings are set to get under way November 2 at the Winnipeg Convention Centre, and are anticipated to last for the month of November and resume January 1999.

**Patricia Chaychuk**  
Clerk Assistant



## Northwest Territories

**T**he creation of two new territories, scheduled for April 1, 1999, continues to occupy the time of legislators in the Northwest Territories with numerous pieces of legislation and other issues being dealt with to ensure that the groundwork is laid

for the two new territories prior to April 1.

Both the House and Committees were busy with preparations for division including holding an eight-day session in September. During that sitting, Members also approved the final piece of legislation in the package of reforms to the outdated family law legislation.

The Session also saw the introduction of the second Private Member's Public Bill in the life of the 13th Assembly when Yellowknife North MLA **Roy Erasmus** introduced an *Act to Amend the Workers' Compensation Act*. The proposed amendment protects the workers of employers and the employer from lawsuits arising out of accidents involving other workers and employers.

A Conflict of Interest Inquiry into allegations against Premier **Don Morin** began in Yellowknife on October 13. Hay River MLA **Jane Groenewegen** has alleged that the Premier used his position for personal gain. The Conflict Commissioner is scheduled to provide her report to the Speaker on November 20. The report will be tabled in the Legislature for discussion.

Federal Finance Minister **Paul Martin** joined territorial leaders on October 23, in Iqaluit and then later the same day in Yellowknife, to sign new formula financing agreements for Nunavut and the new NWT. The agreements provide funding contributions for both governments from 1999 to 2004.

The House reconvened again on November 4 to continue reviewing progress on division-related issues and to deal with House business. This included Speaker **Sam Gargan**, tabling the report of the Northwest Territories Electoral Boundaries Commission 1998. The Commission was appointed in June to review the number and allocation of electoral districts in the new NWT that

would be used in the general election scheduled for the fall of 1999.

The Commission recommended two new seats for the Yellowknife area. Members were scheduled to debate the report during the November sitting.

The Special Committee on Nunavut Legislation was also established in November. The House rules require that all Bills be reviewed by a Committee and since the Nunavut Caucus is not a recognized committee it was necessary to create the Committee to review legislation specific to Nunavut. The Committee will be responsible for reviewing and reporting on all legislation necessary for the creation of the new Nunavut Government.

### Legislation

A number of pieces of legislation were passed in the September session of the Legislative Assembly including:

- *Family Law Reform Statutes Amending Act*: sets out amendments to numerous Acts bringing them in line with changes made to the laws relating to the family in the Territories as a result of the passage of the *Adoption Act*, the *Child and Family Services Act*, the *Children's Law Act* and the *Family Law Act*.
- *Risk Capital Investment Tax Credits Act*: is intended to promote economic growth in the Territories by allowing taxpayers to qualify for tax credits by investing, either directly or indirectly, in corporations that carry on business in the Territories and meet certain other specified criteria that qualify the corporation as an "eligible business".
- *Regulatory Reform Measures Act*: amends 16 Acts and repeals three others as part of the regulatory reform initiative.

Additional pieces of legislation passed in the November session included:

- *Supplementary Appropriation Act*, No. 3, 1998-99: makes supplementary appropriations for the Government of the Northwest Territories for the fiscal year ending March 31, 1999. This bill allows the government to fund programs that were not currently funded within the budget including almost \$3 million to help recruit and retain nurses in communities across the NWT.

Several division-related Bills were introduced in the Legislature in November and have been referred to Standing and Special Committees. These Bills include:

- *Nunavut Judicial System Implementation Act*: enacts a new *Judicature Act for Nunavut* in place of the existing *Northwest Territories Judicature Act* and *Territorial Court Act*.
- *Nunavut Statutes Amendment Act*: amends certain statutes duplicated for Nunavut by section 29 of the *Nunavut Act* to render those statutes appropriate for Nunavut.
- *Nunavut Statutes Replacement Act*: adjusts the laws of Nunavut by replacing five statutes that presently establish professional associations and provide for the regulation of the members of those associations. Each of the replacement statutes comes into force on April 1, 1999.
- *Division Measures Act*: is organized into two Parts. Part I amends various statutes to implement plans and agreements relating to the establishment of Nunavut. The amendments are placed in separate schedules organized by subject-matter. Part II contains lists of regulations of the Northwest Territories that either apply only in the Nunavut portion of the Northwest Territories or that do not apply

at all in the Nunavut portion of the Northwest Territories.

### Committees

The Special Committee on Western Identity has also begun its work. The five-member Committee is mandated to review the current symbols of the Northwest Territories to determine if they are appropriate for use beyond April 1, 1999 and also to plan celebrations to mark the creation of the new NWT. The Committee will be consulting residents in the new territory to determine what they think are appropriate heraldic symbols to represent the new jurisdiction.

**Ronna Bremer**

Public Relations Officer



### Ontario

The Ontario Legislature resumed its sittings on September 28 in the midst of teacher strikes and lock-outs at a number of school boards in both the public and Catholic education systems. By the time the House met following the Summer recess, approximately 200,000 students had missed at least three weeks of school, and the pressure for resolutions that would get the students back into their classrooms was very high.

On the first sitting day, the Minister of Education, **David Johnson** (PC - Don Mills) introduced back-to-work legislation. In addition to

containing an order to the teachers to return to work, the bill also contained a section that defined "instructional time". The issue of what elements of a teacher's working day constituted "instructional time" was a key issue in the collective bargaining negotiations taking place throughout the province, because previous legislation passed by the House had mandated an increase in the number of hours of "instructional time" each school board would be required to assign to each teacher.

The government was hopeful that the House would agree to deal with the back-to-work bill at all stages in succession, as often occurs in such 'emergency' situations. However, both opposition parties took exception to the inclusion in the bill of the section relating to instructional time. As the day unfolded, the fascinating spectacle of open negotiations among the parties on the floor of the House during Question Period began to take place.

Offers were made by the opposition party leaders, **Dalton McGuinty** (LIB - Ottawa South) and **Howard Hampton** (ND - Rainy River) that they would agree to deal with the bill in one day if the government would agree to divide the bill and remove the section relating to instructional time.

In the end, unanimous consent was given that allowed the Government House Leader, **Norman Sterling** (PC - Carleton) to move a motion that both severed the bill to exclude the contentious portion, and allowed the House to meet beyond its 6:00 p.m. adjournment time that day to debate second and third readings. The bill was passed late into the night and received Royal Assent near midnight from Lieutenant Governor **Hilary Weston**. The next day, hundreds of thousands of

students had their first, much-delayed day of school.

The now-removed section of the Bill concerning instructional time was subsequently introduced as a separate bill, which also passed several days later.

On October 1, **Blain Morin** (ND) was elected in a by-election in the Nickel Belt riding, to replace **Floyd Laughren** who had resigned his seat several months earlier. Mr. Morin took his seat in the House on October 13. On October 21, **Alex Cullen**, elected as a Liberal at a by-election in September, 1997, began to sit in the House as an Independent member. Mr. Cullen has since joined the New Democratic caucus.

Several important pieces of legislation made progress during the Fall of 1998:

- the *Energy Competition Act*, which ends Ontario Hydro's electrical utility monopoly in Ontario and divides its operations into separate generation and distribution companies, received third reading;
- the *Highway 407 Act*, which provides for this new Toronto-area toll highway to be sold and operated by the private sector, was introduced and referred to a standing committee for public hearings;
- a bill to establish a registry of lobbyists, and to enable alleged conflicts of interest on the part of former government employees who take private sector jobs with dealings with the government, to be impartially investigated, was introduced and also referred to a standing committee for public hearings;
- Ontario became the latest signatory to the Hague Convention on Intercountry Adoption by passing legislation to adopt it.

As well, **Morley Kells** (PC - Etobicoke-Lakeshore) introduced a bill

that would see the Legislative Assembly officially endorse the bid by the City of Toronto to host the 29th Summer Olympics in 2008. Mr. Kells is the Olympics Commissioner for Ontario, appointed by Premier **Mike Harris** to represent the provinces' interests in the Olympic bid itself, and in eventual preparations and plans for the Games if the bid is successful.

**Todd Decker**

Clerk of Journals and Procedural Research



## House of Commons

On June 12, 1998, the House passed a motion to amend the Standing Orders, subject to the agreement of the parliamentary leaders of each recognized party. The new Standing Orders came into effect on September 21, 1998. Standing Order 81 was amended to change the number of allotted days in each year to twenty-one, with seven allotted days in each supply period, and to have not more than fourteen used for votable opposition motions. Changes were also made in this Order that address deliberations on the final allotted day in the period terminating in June. Changes to Standing Order 45 are aimed at ensuring that any vote on a votable opposition motion on the last allotted day of the period terminating in June may be deferred until 10:00 p.m. on that day. The Speaker

tabled the new Standing Orders on October 21, 1998.

During the same sitting on June 12, there was unanimous consent on a motion to amend the order of business for Thursday, September 24, 1998. On that day, instead of sitting from 10:00 a.m., as provided in the Standing Orders, the House sat from 2:00 p.m. and followed the order of business normally provided for a Wednesday. The purpose of this change was to enable **Nelson Mandela**, President of the Republic of South Africa to address Members of the Senate and the House of Commons in the Chamber of the House of Commons at 10:00 a.m. President Mandela's address was printed as an appendix to the House of Commons Debates for the day.

### Private Members' Business

Several pieces of Private Members' Business passed through various stages of the legislative process. On June 11, 1998, a bill sponsored by **George Baker** (Gander—Grand Falls) – Bill C-411, *An Act to amend the Canada Elections Act* – received Royal Assent. Bill C-410, *An Act to change the name of certain electoral districts*, sponsored by **Marlene Catterall** (Ottawa West—Nepean), was passed by the Senate with one amendment, and received Royal Assent on June 18, 1998. On October 20, 1998, Bill C-235, *An Act to amend the Competition Act* (protection of those who purchase products from vertically integrated suppliers who compete with them at retail), passed Second reading and was referred to the Standing Committee on Industry. The following day, October 21, 1998, the Standing Committee on Justice and Human Rights reported Bill C-208, *An Act to amend the Access to Information Act*, with one amendment.

In recent months, a number of motions for production of papers

have been transferred for debate. Motions transferred in this way are included in the list of Private Member's Business and are debated only if drawn. This was the case for Motion P-22 on the Calgary Declaration, moved by **Rob Anders** (Calgary West). It was debated on September 28 and November 2, 1998, put to the vote and carried.

On November 4, 1998, the 13th Report of the Standing Committee on Procedure and House Affairs was concurred in. The Report, which was tabled on November 26, 1997, recommended changes to several aspects of Private Members' Business. The following day, **Gurmant Grewal** (Surrey Centre) raised the question of the Chair's implementation of these changes. The Chair ruled that of the eight recommendations, only numbers 5 and 8 would be implemented immediately. Recommendation No. 5 proposes changes in the calling of votes for Private Members' Business. Recommendation No. 8 addresses the drafting of Private Members' bills. The other recommendations require changes to the Standing Orders which cannot be made unilaterally by the Speaker. The Speaker therefore asked the Clerk of the House to prepare a draft to be submitted to the leaders of the various parties in the House. Until such time as the House has voted on the wording of these new provisions, the existing text of the Standing Orders will continue to apply.

### Privilege

On October 7, 1998, **Stan Keyes** (Hamilton West) rose on a question of privilege concerning Question Period. He argued that his rights were being violated by the practice that requires the Chair to terminate interventions after 30 seconds, thus interrupting important questions being raised by the Opposition and

equally important answers being provided by Members on the government side. The Speaker's reply was that this did not seem to be a breach of the Member's privilege, but he did not deny that the issue was an important one. He suggested the Member raise the matter with the Standing Committee on Procedure and House Affairs.

On February 26, 1998, **Diane Ablonczy** (Calgary—Nose Hill) rose on a question of privilege concerning the appointment of **Yves Landry**, CEO of Chrysler Canada, to head the Millennium Scholarship Foundation. Since no legislation had been placed before the House to set up this Foundation, Ms. Ablonczy felt that the appointment "brought the authority and dignity of the House and the Speaker into question". On October 19, 1998, **Randy White** (Langley—Abbotsford) raised the matter again, noting that the question of Mr. Landry's appointment was irrelevant as he had since died. The Member pointed out, however, that a new consideration had been added to the issue, given that the Auditor General of Canada had in a report tabled to the House of Commons confirmed that the government had included the Foundation in its accounting for fiscal 1997-98 even though no legislation has so far been passed establishing it.

The Speaker ruled on this matter on October 29. He ruled that Members' ability to perform their parliamentary duties had not been infringed, since the Auditor General's reports on these issues are automatically referred to the Standing Committee on Public Accounts, which reviews them and reports them to the House. He also noted that it is not up to the Chair to comment on the government's accounting practices or to intervene in matters that the House has en-

trusted by statute to the Auditor General and to the Standing Committee on Public Accounts.

### Special Debate

On October 7, 1998, the Members had the opportunity to participate in a take note debate. The debate, which lasted six hours, was on "the dire humanitarian situation confronting the people of Kosovo".

Also on October 7, at the request of **Svend Robinson** (Burnaby—Douglas), the following motion received unanimous consent:

That this House express its profound concern over the recent grave attacks on the Iranian Baha'i community, including the brutal execution of Mr. **Rahu'llah Rawhani** in July, arrests of 38 Baha'i academics, and confirmation of death sentences on two Baha'i men and the detention of 11 other Baha'i men for practising their faith; and calls upon the Government of Iran to end their oppression of the Baha'i community, ensure the safety and early release of all those Baha'i imprisoned in Iran, and respect the principles of the International Covenant on Human Rights, to which Iran is a party.

### Miscellaneous

On September 28, **Serge Cardin**, MP for the electoral district of Sherbrooke, was introduced in the House by **Gilles Duceppe**, leader of the Bloc Québécois, and **Stéphane Bergeron** (Verchères—Les Patriotes). Returned in a by-election on September 14, 1998, Mr. Cardin brings the number of Bloc Québécois Members to 45.

**Bibiane Ouellette**  
Procedural Clerk  
Journals Branch



## Senate

The Senate returned from its summer adjournment September 22 and was taken up immediately with Bill C-37, an *Act to amend the Judges Act*. The Supreme Court had indicated that a law dealing with the remuneration and benefits of judges needed to be enacted no later than November 18. The very day the Senate returned, Bill C-37 received second reading and was referred to the Standing Committee on Legal and Constitutional Affairs. Over the course of several weeks, the Committee heard from the Minister of Justice, some constitutional lawyers and other interested parties including a member of the House of Commons, **Svend Robinson**.

Based on the evidence received, the Committee decided to recommend several substantial amendments to the bill. The committee report proposed to delete some clauses of the bill and to add a significant sub-clause to a clause defining the work of the quadrennial Commission to be established to review the salary and compensation benefits provided to judges.

On October 27, when Senator **Lorna Milne**, the Chair of the Legal and Constitutional Affairs Committee, moved the adoption of the report on Bill C-37 seeking the Senate's approval of the amendments, Senator **Anne Cools** raised a point of order. The Senator chal-

lenged the procedural acceptability of the amendments to the clause defining the scope of the inquiry to be conducted by the Commission. According to Senator Cools, the amendment was out of order because: it was contrary to the principle of the bill; it exceeded the terms of the Royal Recommendation; it infringed the Royal Prerogative of appointment; and it lacked the Royal Consent that the Senator believed was required in this case. Several other Senators spoke on the point of order and Senator **Noel Kinsella** requested more time to consider the matter. The Speaker agreed to hear further arguments before making a ruling.

The next day, a number of Senators expressed their views on the point of order, among them Senator **Gérald Beaudoin** and Senator **Serge Joyal**. In his comments, Senator Beaudoin rejected the claim that the amendment to clause 6 affected the principle of the bill as adopted at second reading. He contended that, on the contrary, the amendment was perfectly consistent with the bill's principle. In a lengthy intervention, Senator Joyal argued that the amendment did not violate the terms of the Royal Recommendation accompanying the bill since the amendment did not involve any appropriation.

The ruling of Speaker **Gildas Molgat** was made Thursday, October 29. The Speaker concluded that the point of order was not well founded. In his view, the claim that the amendment was contrary to the principle of the bill was not substantiated. Moreover, the Speaker determined that the amendment did not conflict with the terms of the Royal Recommendation, nor did it infringe the Royal Prerogative or require Royal Consent. Debate on the committee report was allowed to proceed and it was subsequently

adopted later the same day. Bill C-37 as amended received third reading November 4 and the message was immediately conveyed to the Commons seeking its agreement to the amendments. The House of Commons voted to accept the Senate amendments Monday, November 16 and the bill received Royal Assent by the Governor General, Wednesday, November 18.

In addition to disposing of the second reading of Bill C-37, the Senate received one substantive committee report on September 22. This was an interim report of the Banking, Trade and Commerce Committee concerned the complex subject of liability for professionals when dealing with cases of financial loss and insolvency. The report is one of a series that the committee is preparing as part of its broad order of reference "to examine and report upon the present state of the financial industry in Canada."

Other legislation considered during the fall session include Bill C-52, an *Act to implement the Comprehensive Nuclear Test-Ban Treaty* which received second reading, October 28. The bill was subsequently referred to the Standing Committee on Foreign Affairs and reported back November 18. Bill C-29, an *Act to establish the Parks Canada Agency* was reported by the Committee on Energy, the Environment and Natural Resources without amendment and, as of November 18, is still before the Senate at third reading.

It is often said that the most important work of the Senate is done in its committees. Certainly, committees were very busy during this period continuing a trend of increasing activity that began some years ago. During the review period beginning when the Senate resumed sitting in September, committees sat more than four hundred in more than two hundred meetings



and over twenty separate reports were either tabled or presented in the Senate Chamber. Studies are currently under way on a variety of different topics including: Aboriginal self-government; the health effects of hormone additives in dairy cattle; the importance of the Asia-Pacific trade; the consequences for Canada of the European Monetary Union; health care for veterans; and the state of transportation safety.

To allow more Canadians to witness the work of Senate committees, the Senate has entered into an agreement with the Canadian Public Affairs Channel (CPAC). Under this agreement, CPAC has agreed to broadcast at least eight hours of committee hearings. In fact, CPAC has exceeded the broadcast average; in October alone, more than forty hours of committee hearings were shown. In recent months, the availability of committee information on the Internet has also increased. The format of the Internet pages have changed, more reports are available on-line and individual committees will shortly have their own electronic mail addresses.

The Senate Chamber, which is the scene of such distinct parliamentary events as the Speech from the Throne and the Royal Assent, was the setting of a very special ceremony Tuesday, November 3. In the presence of seventeen veterans of the First World War, many of them in wheel chairs, and numerous distinguished guests, including the Speaker of the House of Commons, the Minister of Veterans Affairs and the Chief of the Defense Staff, Speaker Molgat presided over a ceremony to rededicate the war paintings that hang from the walls of the Senate. These paintings had been restored during the summer and the ceremony was used to mark the event as well as the eightieth anniversary of the end of World War I. Adding splendor to the occasion

were two pipers from the Black Watch of Canada and the band of the Governor General's Foot Guards and a Canadian Legion Colour Party.

Two days later, more than twenty-five Senators joined seventy teachers in the Senate foyer for breakfast hosted by the Speaker. The teachers were participating in the third annual Teachers' Institute on Canadian Parliamentary Democracy. Following the breakfast and a visit to the Speaker's office suite, they spent an hour in the Senate Chamber where they exchanged views with the Speaker on the history and role of the Senate in Canada's parliamentary system.

A different scale of ceremony marks the introduction of new members to the Senate. Four new Senators were presented to the House at the outset of the fall sittings. Three new Senators were introduced September 22. Each was escorted into the Chamber by the Leader of the Government and a chosen sponsor. After the commission of appointment was read out by a Table Officer, the new Senator swore an oath of allegiance administered by the Clerk of the Senate and then signed the register. The three new Senators were the former MP **Douglas Roche** of Alberta, the journalist and newspaper editor **Joan Fraser** of Quebec and the aboriginal business entrepreneur, **Aurélien Gill**, also of Quebec. The introduction procedure was repeated the following week when Senator **Vivienne Poy** of Ontario, the first Canadian of Chinese descent to become a member of the Red Chamber took her seat.

**Charles Robert**  
Deputy Principal Clerk



The final sittings of the 35th Legislature were held last October 20 and 21. The Members of the Assembly took the opportunity to adopt amendments to the Standing Orders which had been introduced on a provisional basis in March 1997 and extended thereafter.

During both days of sittings, the Assembly passed four Government bills, three of which were studied within the framework of a motion to suspend certain rules of procedure. The following are the bills in question:

- *An Act to amend the Code of Civil Procedure and other legislative provisions in relation to notarial matters* allows, among other things, certain applications relating to tutorship to a minor, protective supervision of a person of full age, a mandate given in anticipation of the mandator's incapacity and the probate of a will to be presented to a notary. Furthermore, this bill amends the *Civil Code* to allow a father or a mother to appoint a tutor for his or her child by way of a mandate given in anticipation of the mandator's incapacity.
- *An Act to amend the Election Act, the Referendum Act and other legislative provisions* implements the Supreme Court ruling in the Libman case (nullifying the provisions concerning the control of expenses and the non-intervention of third parties).

The Superior Court had ruled that the restrictions imposed by the *Referendum Act* were reasonable and the Quebec Court of Appeal had concurred in this decision. However, on October 9, 1997, the Supreme Court of Canada reversed both of these rulings by allowing the appeal entered by **Robert Libman**. This immediately resulted in rendering sections 402, 403, 404, 406 (third paragraph), 413, 414 and 417 of Appendix II of the *Referendum Act* inoperative.

- An Act to amend the *Crop Insurance Act* and the Act respecting farm income stabilization insurance specifies the fiduciary nature of the insurance funds, the responsibilities of the insured persons and the Government in respect of the sums making up the funds, and the powers of the Régie des assurances agricoles du Québec (agricultural insurance board) in its capacity as manager of the funds.
- An Act to again amend the Act respecting the National Assembly provides that, when there is a vacancy in the office of the Speaker of the National Assembly, the Speaker's administrative duties are to be performed by one of the Deputy Speakers.

At the sitting of October 20, 1998, the Speaker tabled a letter he had received from the Prime Minister following the September Cabinet shuffle, appointing **Jacques Brassard** as Government House Leader.

**Johanne Lapointe**  
Secretariat of the Assembly

## Committees' Report

In contrast with previous years, the committee workload for the fall was rather light due to the pre-election period. Some orders were nonetheless accomplished before the dissolution of the Assembly on October

28, 1998. Parliamentary and electoral reforms were examined in parliamentary committee.

The Committee on the National Assembly, chaired by the Speaker of the National Assembly, **Jean-Pierre Charbonneau**, met on three occasions in August and September for the purpose of considering various parliamentary reform proposals.

Amendments to the Standing Orders that had been provisionally in force for the past few years were permanently adopted on October 21, 1998. They concern the Standing Committees on the following matters:

- Members shall no longer sit in the evenings, excepting during the period of extended hours of meeting (from May 25 to June 23 and from November 25 to December 21).
- There shall henceforth be 11 standing committees instead of 9. The Committee on Public Administration, which has existed as a pilot experience since 10 April 1997, has become one of the 11 permanent standing committees. Its main duties are to examine the financial commitments, hear the Auditor General every year with respect to his annual report, and hear each deputy minister or the chief executive officer of every public agency in order to discuss their administrative management, pursuant to *An Act respecting the accountability of deputy ministers and chief executive officers of public bodies*. This committee is to be chaired by a Member of the group forming the Official Opposition. Furthermore, two new committees stem from the former Committee on Planning and Infrastructures, which, it was decided, had an excessive workload. They are the Committee on Planning and the Public Domain (local communities, municipal planning, housing, and recreation) and the Com-

mittee on Transportation and the Environment (transportation, public works, the environment, and wildlife).

- Notwithstanding certain exceptions, the committees shall now consist of ten members, appointed for two years, according to the following distribution: six Members from the parliamentary group forming the Government and four Members from the parliamentary group forming the Official Opposition (formerly, each committee was composed of approximately fifteen members). Membership may vary when an independent Member or a Member belonging to an opposition group other than the Official Opposition becomes a committee member.
- The Committee on Institutions shall henceforth have the obligation to hear the Chief Electoral Officer and the Public Protector every year

The Committee on Institutions, chaired by **Marcel Landry**, held five sittings for the purpose of concluding the clause-by-clause consideration of Bill 450, *An Act to amend the Election Act, the Referendum Act and other legislative provisions*. The Members carried new provisions allowing an elector or group of electors to incur publicity expenses in order to publicize or obtain support for their views on a matter of public interest or to advocate abstention or the spoiling of ballots. These expenses must not directly promote or oppose any candidate or party. The elector or group of electors will be required to obtain prior authorization and will be prohibited from spending more than \$300 on publicity. Furthermore, the elector or group of electors may not incur expenses jointly with any other person and will be required to file a complete expense report.



The ballot paper design has been modified as have been the rules governing the manner of marking the ballot paper. Therefore, beginning with the general election of November 30, 1998, Quebec will thereafter be using the Belgian ballot: white lettering and circles on a black background. The elector shall mark one of the circles on the ballot paper. No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled.

Moreover, it should be noted that the Minister responsible for this bill, **Guy Chevette**, withdrew two controversial provisions regarding the obligation for an elector to identify himself when exercising his vote and fines ranging from \$1000 to \$10,000 for every person who, through intimidation, coercion, pretext or subterfuge, attempts to influence the vote of an elector and for every person who improperly uses his position of authority to attempt to influence an elector's vote.

Within the framework of the *Act respecting the accountability of deputy ministers and chief executive officers of public bodies*, the Committee on Public Administration, chaired by the Member for Westmount-Saint-Louis, **Jacques Chagnon**, held seven sittings in order to hear deputy ministers and heads of agencies. This Committee also held six sittings for the purpose of examining financial commitments and ten deliberative meetings to organize and finalize the various orders under its authority.

The Committee on Education, chaired by the Member for Chicoutimi, **Jeanne Blackburn**, held four sittings in order to hear the chief officers of educational institutions at the university level with respect to their 1996-97 reports, in compliance with the provisions of the *Act to*

*amend the Act respecting educational institutions at the university level.*

The Committee on Social Affairs, under the chairmanship of the Member for Charlevoix, **Rosaire Bertrand**, concluded its public hearings within the framework of three orders of initiative concerning the following: the operations of agencies having an influence on the consumption of prescription drugs in Quebec; suicide; and the new governmental orientations regarding the supply, management and distribution of blood.

The Committee on Labour and the Economy, chaired by the Member for Laurier-Dorion, **Christos Sirros**, held a general consultation on the development of the practise concerning the insertion of "orphan" clauses in collective agreements. The Committee heard more than forty groups with regard to these discriminatory clauses which, in certain collective agreements, give newly unionized members less advantageous working conditions.

The Committee on Planning and the Public Domain, whose chairman is the Member for Mégantic-Compton, **Madeleine Bélanger**, held a public consultation on the comprehensive study of the development of Northern Quebec. This vast region, which covers 840,000 km<sup>2</sup>, constitutes 55 % of Quebec's territory. Some twenty individuals and groups were heard, including representatives of the Inuit, Cree and Naskapi communities.

The Committee on Transportation and the Environment, chaired by the Member for Bellechasse, **Claude Lachance**, held a public consultation on the draft bill concerning dam safety. This draft bill proposes a reform of the legal framework governing the establishment and operation of dams measuring one metre or more in height

and appurtenant dikes and facilities.

Finally, the Committee on Culture, under the chairmanship of the Member for Lévis, **Jean Garon**, held a public consultation on Bill 451, *An Act to amend the Act respecting Access to documents held by public bodies and the Protection of personal information, the Act respecting the protection of personal information in the private sector and other legislative provisions*. Some thirty individuals and groups were heard during this consultation, which followed a public consultation held in the fall of 1997 on the five-year report of the Commission d'accès à l'information (access to information commission). It should be noted that on 1 November last, Mr. Garon was elected Mayor of Lévis and was thus obliged to resign as Member of the Assembly and chairman of the Committee on Culture.

**Robert Jolicoeur**

Clerk of the Committee on Culture

**Translation by Sylvia Ford**

Secretariat of the Assembly



## Alberta

The fall sitting of the second session of the 24th Legislature commenced on November 16, 1998. One issue that received notoriety before the session commenced was the financing of West Edmonton Mall by Alberta Treasury Branches (ATB), a

government owned financial institution. A lawsuit was initiated by ATB against the owners of the Mall and other individuals attacking, in part, the validity of the loan agreements. There had been concern expressed in the media about the appropriateness of Speaker **Ken Kowalski** presiding over Question Period when questions about ATB and West Edmonton Mall were raised. Speaker Kowalski had been a member of Cabinet from May 8, 1986 until October 20, 1994, and at the time of his departure from Cabinet was Minister of Economic Development and Tourism and Deputy Premier. Prior to the start of Question Period on November 16th, the Speaker made a statement concerning the role of the Chair in presiding over proceedings in the Assembly. In his statement, Speaker Kowalski noted that the neutrality of the Speaker is mandated by time-honoured conventions. He noted that it is the Chair's role to apply the rules established by Members themselves and indicated that there is no rule requiring the Speaker to absent himself from presiding over the business of the House. The Speaker also noted the impact that Alberta's sub judice rule might have on questions and answers given that, while the action had not been set down for trial, notices of motion had been filed in the civil action which would trigger the sub judice rule under Alberta's Standing Orders. He indicated that the Chair relied on the advice of Members and Ministers concerning the possible prejudicial effect of a question or answer in determining whether there was violation of the rules.

While most of the business of the fall sitting concerns matters previously on the Order Paper, there were some Government Bills introduced. Bill 48, the *Election Amend-*

*ment Act*, 1998, concerns prisoner voting. An Alberta Court of Appeal ruling struck down Alberta's blanket ban on prisoner voting as being unconstitutional. A committee of Government MLA's reviewed the issue. In accordance with their recommendations, the Bill prohibits prisoners from voting except those sentenced to terms of 10 days or less or for the non-payment of fines.

#### Committees

On October 5, 1998 the Special Standing Committee on Members' Services addressed a number of issues surrounding MLA remuneration. The Committee passed a motion eliminating the 5 percent reduction in MLA remuneration, which was instituted in 1993. The Committee also approved an annual adjustment to MLA remuneration, to take effect April 1st of each year, equivalent to the percentage increase or decrease in the Average Weekly Earnings for Alberta reported by Statistics Canada for the immediately preceding year. The Committee also revised the calculation for the transition allowance for outgoing MLA's. Those Members who do not run or are not elected will now receive the equivalent of one month's indemnity and expense allowance for each year of service prior to March 20, 1989, plus 2 months' indemnity and expense allowance for each year of service after March 20, 1989, up to a maximum of 12 years of service.

The Select Special Committee established on March 2, 1998 to review the *Freedom of Information and Protection of Privacy Act* held public meetings over the summer. The Committee is preparing its report.

#### Conferences

In August, Alberta was officially welcomed as an associate member of the Association parlementaire de

la Francophonie (America Region) at the August regional meeting held in Ottawa/Alymer. Speaker Ken Kowalski, Honourary President of the Alberta Section, **Paul Langevin**, MLA, Lac La Biche-St. Paul and **Denis Ducharme**, MLA, Bonnyville-Cold Lake, as well **Louise Kamuchik**, Clerk-Assistant, were present.

#### By-election

On June 17, 1998, the Leader of the Official Opposition, **Nancy MacBeth**, won a by-election held in the constituency of Edmonton-McClung. She became Leader of the Liberal Party in April, 1998. Mrs. MacBeth took the Oath of Office on July 16, 1998 and took her seat as a Member when the Assembly reconvened on November 16th.

Pursuant to the amendments to the *Senatorial Selection Act* passed in April, 1998, elections for Senate nominees were held in conjunction with the municipal elections on October 19, 1998. **Ted Morton** and **Bert Brown**, both Reform Party candidates, were elected as Senate nominees. As required by the Act, Mr. Morton's and Mr. Brown's names have been submitted to the Queen's Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

#### New Appointment

**O. Brian Fjeldheim** is the new Chief Electoral Officer for the Province of Alberta, effective October 1, 1998. He was the candidate recommended by the Select Special Chief Electoral Officer Search Committee. The Committee's recommendation was agreed to unanimously by the Assembly on November 17th.

**Robert Reynolds**  
Senior Parliamentary Counsel