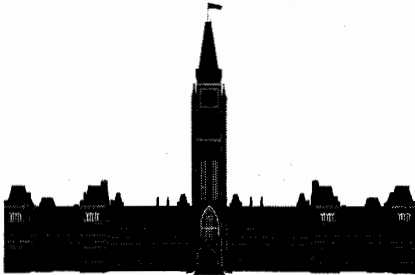




Legislative Reports



House of Commons

On May 13, 1999, during debate under Government Orders, **Gilles Perron** (Rivière-des-Mille-Îles, BQ) announced that he would take one minute of his allotted time to observe one minute of silence. The Member wished to protest against the government which imposed a time allocation motion on a bill. Deputy Speaker **Peter Milliken** reminded the House that the usual practice was that the Speaker calls for a minute of silence upon the death of someone, but not during a debate. A debate arose after which the Deputy Speaker sought unanimous consent to give the member the opportunity to observe one minute of silence. Consent was denied. Later, **Denis Coderre** (Bourassa, Lib.) rose on a point of order to state that the Member for Saint-Jean (**André Bachand**, BQ) was trying to do the same thing as he was taking one minute to straighten up his notes. The Acting Speaker (**Ian McClelland**) said that the Member should be allowed to organize his thoughts as he sees fit.

On May 25, 1999, during the debate for third reading of Bill C-78, *Public Sector Pension Investment Board Act*, **John Williams** (St. Albert, Ref.) rose on a point of order to challenge the procedural validity of the Bill since it was not accompanied by a Ways and Means motion. The Member argued that since the Bill empowers the government to deposit pension surpluses from contributions or investments into the Consolidated Revenue Fund, it could therefore affect any Canadian citizen as a potential employee of the government, and therefore, it should be treated as a charge upon the people. After debate, Speaker **Gilbert Parent** ruled that the Bill would not affect the Canadian public in general but a "defined and limited group of people" and consequently a Ways and Means motion was not necessary and the Bill was properly before the House.

On June 9, 1999, at the beginning of Government Orders and the debate on the Senate amendments to Bill C-55, *An Act respecting advertising services supplied by foreign periodical publishers*, **Mark Muise** (West Nova, PC) rose on a point of order concerning the admissibility of the amendments, stating that they were beyond the scope of the Bill. The Deputy Speaker, referring to previous decisions, stated that the Speaker cannot unilaterally rule out of order amendments from the Senate, but that the House must ultimately make the decision.

Questions of Privilege

More questions of privilege were raised regarding the premature disclosure of committee reports to the media. On June 7, the Speaker returned to the question of privilege raised by **Wayne Easter** (Malpeque, Lib.) regarding the disclosure by **Gary Lunn** (Saanich-Gulf Island, Ref.) in the *Globe and Mail*, of information from an *in camera* meeting of the Standing Committee on Fisheries and Oceans. Mr. Lunn stated that he accepted responsibility for comments which could be construed as being in the report of the Committee and apologized to the House and to the members of the Committee. The Speaker accepted the apology and closed the matter.

On June 8, the Speaker returned to the questions of privilege of **Monte Solberg** (Medicine Hat, Ref.) and **Serge Cardin** (Sherbrooke, BQ) about an article in the *Toronto Star* in which the Member for Vaudreuil-Soulanges (**Nick Discepola**, Lib.) allegedly commented on the content of a sub-committee report before it was presented to the Standing Committee on Finance and to the House. The Member admitted that he gave an interview to the *Toronto Star*, but stated that he was expressing his personal opinion and that he had not disclosed the contents of the report. **Randy White** (Langley-Abbotsford, Ref.) argued that since the House in its entirety was incapable of solving the problem of leaked committee reports, he asked that the Speaker intervene directly and set measures to solve the

problem. The Speaker stated that it was unusual for the Chair to give any directions to the House, that it was the decision of the House to debate the matter and that, as Speaker, he would react as soon as the House made a decision.

Supply

On May 27, 1999, at the beginning of the sitting, **Peter MacKay** (Picton–Antigonish–Guysborough, PC) rose on a point of order regarding his notice of Motion (M-629) which deals with the possible extension of the consideration of the Main Estimates of the Department of Human Resources Development by the Standing Committee on Human Resources Development and the Status of Persons with Disabilities beyond May 31, 1999. The Member stated that normally the Leader of the Official Opposition would have given such a notice, pursuant to Standing Order 81(4), but that in this case, the Leader had not exercised his power to do so. The Member referred to citation 924 in *Beauchesne's* Sixth edition, which allows the Speaker to decide which opposition motion is to be put if more than one is filed for debate. In the light of this citation, the Member requested that the Speaker transfer the power which is normally reserved for the Leader of the Official Opposition, pursuant to S.O. 81(4), to another opposition party. The Speaker stated that he would like to further examine the citation and would therefore reserve his decision.

The next day, the Acting Speaker stated that S.O. 81(4) does not allow anyone other than the Leader of the Official Opposition to propose this extension and furthermore, the Standing Order does not require that such motion be proposed but merely permits it to be proposed. He also stated that the Standing Or-

ders leave the Speaker no discretionary power on the issue of extension and therefore he could not grant the Member's request to allow his motion to proceed. Mr. MacKay then rose on a point of order to seek unanimous consent to move the motion. Consent was denied.

On June 8, during the Business of Supply and the debate on the motion of **Eric Lowther** (Calgary Centre, Ref.) on marriage, **Gurmand Grewal** (Surrey Central, Ref.) moved an amendment. Immediately thereafter, the Member rose on a point of order to withdraw the amendment and replace it with another. Following this, **Svend Robinson** (Burnaby–Douglas, NDP) rose on a point of order to question the admissibility of an amendment, which was moved on a point of order. The Acting Speaker (Mr. McClelland) declared that the amendment could not be moved on a point of order, therefore the second amendment was not receivable. With respect to the original amendment, the Acting Speaker said that the Member presented an amendment verbally and that the normal procedure was that a written copy would be signed and presented to the Chair so that the Chair may propose the motion to the House. In this case, the Chair had not received the amendment and therefore the amendment was not before the House. Later, **Anne McLellan** (Minister of Justice and Attorney General of Canada, Lib.) moved an amendment. Mr. Lowther rose on a point of order to point out that the seconder of the motion was not in his seat when he seconded the motion and asked that the amendment be declared null and void. The Acting Speaker declared that a Member need only to be in the House to second a motion, therefore the amendment was in order.

On this last allotted day, the House must also consider any mo-

tion or motions to concur in the Main Estimates. Despite the fact that some 184 opposed votes were on notice, only eight were proceeded with, the others having been withdrawn just before being put to a vote at 10:00 p.m.

Also during the Business of Supply, Mr. Williams (St. Albert, Ref.) rose on a point of order about the admissibility of Bill C-86, *An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial years ending March 31, 2000 and March 31, 2001*. The Member argued that in his opinion, the Bill, as reflected in its title, was attempting to approve expenditures for more than one fiscal year while the principle was that the estimates and resulting appropriation acts were intended to deal with only one fiscal year at a time. He asked that the Bill be ruled out of order and removed from the Order Paper. The Speaker stated that he was satisfied that indeed the Bill was based on the Main Estimates for the fiscal year ending March 31, 2000. He also stated that the multi-year appropriation authority covered in Schedule 2 was based on legislation approved by Parliament in 1998 by which an agency was granted the authority to carry over to the end of the 2000-01 fiscal year the unexpended balance of money in fiscal year 1999-2000 and that this reference was for information purposes only. He ruled that the Bill was properly before the House. However, the Speaker expressed strong reservations about the reference in the long title of the Bill to two financial years and he hoped that the government would ensure that future supply bills reflect the appropriation requested from Parliament for a single fiscal year covered by the estimates.

Other Matters

On June 1, the Speaker informed the House that a vacancy has occurred in the electoral district of Saskatoon-Rosetown-Biggar, as a result of **Chris Axworthy's** resignation effective May 31, 1999. On June 9, before Question Period, the Speaker tabled, in both official languages, the *Selected Decisions of Speaker John A. Fraser*. On June 17, after Royal Assent was given to several bills by His Excellency the Governor General **Roméo LeBlanc**, the House adjourned until Monday, September 20, 1999.

Bibiane Ouellette
Procedural Clerk
Journals Branch



Manitoba

In spite of rumoured election calls, the Manitoba Legislative Assembly continued to sit during the spring and summer months. The provincial budget was delivered on April 29, 1999 by Finance Minister **Harold Gillehammer**. The budget, which marked the fifth successive forecasted balanced budget for the province, included increased spending for health care and education, and also contained tax reductions. The budget established a lowering of personal income taxes by 3 percentage points, and decreased the small business income tax rate from 9% to 5% over three successive years. Total expendi-

tures and revenues for the province were forecast at 5.9 billion and 6.013 billion respectively.

In a break with traditional practices, Official Opposition Leader **Gary Doer** did not move a motion of non-confidence at the conclusion of his remarks on the budget. Although Doer was critical of the budget, and contended in his remarks that the budget was a pre-election budget and offered doubt as to whether the government would keep promises made to the public, he did not move a non-confidence motion. A non-confidence amendment was moved later in the debate by **Kevin Lamoureux** (Inkster). The amendment was defeated on May 10, 1999 by a margin of 1 Yea, 50 Nays, when the Official Opposition voted with the government. The budget motion was adopted on the same day, by a vote of 51 Yeas, 1 Nay, as the Official Opposition again voted with the government, to pass the budget motion.

Once the budget debate was concluded, the bulk of the session was spent on the consideration of the expenditure estimates of the various government departments. Manitoba rules provide for up to 240 hours for the consideration of departmental estimates, in three concurrent sections of the committee of supply. Approximately 9 weeks were spent considering departmental estimates. The rules also provide that once the allotted 240 hours have elapsed, the Chairpersons of the sections of the Committee of Supply put the question on all remaining resolutions, without debate, amendment or adjournment. Typically, all remaining resolutions are read and passed in sequence by voice votes, however for the first time, counted votes were requested on individual resolutions, causing the division bells to be rung several times. The request for votes on indi-

vidual resolutions prolonged the final completion of the estimates process by two days.

In response to the crisis facing farmers in southwestern Manitoba due to spring flooding, **Jim Downey** (Arthur-Virden) and **Rosanne Wowchuk** (Swan River) attempted to bring forward a Private Member's Resolution to discuss the crisis in a spirit of non-partisan cooperation on June 24, 1999. However, leave to allow the Resolution to come forward for debate was denied by **Gary Kowalski** (The Maples), who indicated that he was acting on the instructions of the Leader of the Liberal Party in Manitoba, **Dr. Jon Gerrard**, who does not possess a seat in the Legislature. The denying of consent caused some consternation in the Assembly.

By the conclusion of the legislative session, 45 government bills received royal assent. Some of the more notable bills include:

- Bill 40 – *The Employment and Income Assistance Amendment Act*; which will require employable social assistance recipients to perform community service work and actively seek employment, as well as providing addiction treatment programs and parenting courses for recipients needing extra assistance in these areas;
- Bill 33 – *The Special Payment to Certain Dependent Spouses of Deceased Workers Act*; which provides for a financial payment to be made to widows and widowers whose benefits had been terminated under law due to remarriages held before the Charter of Rights and Freedoms came into effect;
- Bill 29 – *The Victims' Rights Amendment Act*; which establishes that if any money becomes payable to an inmate from the government or any other person as a result of actions occurring while the inmate

was in custody, the money is to be redirected and first used to ensure that victims of the inmate's crimes have been fully compensated; and

- *Bill 42 – The Community Protection and Liquor Control Amendment Act*; which empowers communities to seek judicial remedy to stop specific activities that affect the peace and security of neighbourhoods through the application of cessation notices, community protection orders, and applications for emergency closure of buildings which threaten the safety and security of the occupants or area residents. The specific activities referenced in the bill include: the habitual use or sale of non-beverage alcohol products, inhalants, and illicit drugs, prostitution, and the sale of alcohol without a license.

The 5th Session of the 36th Legislature concluded on July 14, 1999, in time to allow Members to enjoy the 13th Pan American Games held in Winnipeg and several rural centres. Shortly thereafter, the House was dissolved when Premier **Gary Filmon** called a provincial election for September 21, 1999.

Patricia Chaychuk
Clerk Assistant

Nunavut



Helen Maksagak, Commissioner of Nunavut, opened the Second Session of the new territory's Legislative Assembly on May 12, held at

Iqaluit's Anglican Parish Hall. This Session was the last to be held prior to the autumn of this year, when the Assembly takes up residence in its new building, located in the heart of Iqaluit.

The Commissioner's Address that opened the Session outlined a number of the new government's priorities. Among the highlights were:

- A commitment to establishing a single time zone for Nunavut;
- Confirmation that Inuktitut will be the working language of Cabinet;
- The phasing-out of regional health and education boards;
- Establishment of a Law Review Commission

Kelvin Ng, Minister of Finance and Administration, delivered the Budget Address on Friday, May 14. Wearing a newly-made pair of traditional caribou *kamiks* (boots), Mr. Ng presented a balanced budget that envisions total 1999-2000 expenditures (including contingency reserve) of \$610,107,000. The *Appropriation Act, 1999-2000*, was given first reading on the same day.

Being primarily a budget session, a significant amount of Members' time (including one Saturday sitting) was spent reviewing the main estimates in Committee of the Whole. All Ministers and their Deputies defended their departmental estimates before the House. The issue of government decentralization was a frequent topic of discussion during the Session.

Legislation

Since the creation of Nunavut on April 1, a total of four Bills have been passed and given Assent. On April 1, the *Flag of Nunavut Act* was passed. During the Second Session, three Bills were dealt with:

- *Appropriation Act, 1999-2000*;
- *Boards of Management Dissolution Act*; and
- *Divisional Education Councils Dissolution Act*

Sessional Statistics

The Second Session commenced on May 12, and prorogued on June 3. Some statistics of note include:

- 17 sitting days held (total of 71.5 sitting hours);
- 33 Ministers' Statements;
- 103 Members' Statements;
- 202 Oral Questions asked;
- 3 Written Questions posed;
- 11 Petitions tabled;
- 18 documents tabled;
- 2 Speaker's Rulings delivered;
- 4 Standing Committee reports presented

Committees

Five Standing Committees of the Assembly were struck on April 1. They are:

- Standing Committee on Government Operations and Services;
- Standing Committee on Culture, Education and Health;
- Standing Committee on Community Empowerment and Sustainable Development;
- Standing Committee *Ajauqtiit*; and
- Standing Committee on Rules, Procedures and Privileges

Of Nunavut's nineteen MLAs, ten are Regular Members. Each Standing Committee is composed of five regular Members. The four Standing Committees with departmental oversight responsibilities reviewed the government's draft 1999-2000 main estimates and departmental business plans. Committee reports on this review process were presented to the House during the Session.

Other and Upcoming Activities

Shortly after prorogation, all nineteen MLAs gathered in Baker Lake for a full caucus retreat to discuss global priorities and goals for the new government. The government is expected to bring forward a Mandate Statement during the Fall Session, which begins on October 20.

Alex Baldwin

Director, Research and Library Services

New Brunswick

The Fourth Session of the Fifty-



third Legislative Assembly adjourned on March 12, 1999, after forty sitting days. Seventy-one bills were introduced in the House, sixty-six of which received Royal Assent.

A new *Members' Conflict of Interest Act* was introduced and adopted during the session. A key provision of the new Act is the appointment of a Conflict of Interest Commissioner, removing the administration of the Conflict of Interest legislation from the Courts. An important role of the Commissioner is to assist members in understanding their obligations under the Act, through personal discussion with members, and in particular when consulting with members about required disclosure statements. Under the legislation, the Commissioner must prepare a *public disclosure statement* on the basis of the information provided by

the member, which statements will be available for examination by the public through the Clerk of the Legislative Assembly. The Act also places post-employment restrictions on former Ministers of the Crown.

The new legislation came about as a result of recommendations by the Legislative Administration Committee, which had undertaken an extensive review of the existing Conflict of Interest legislation.

The Standing Committee on Public Accounts was active following the adjournment of the House, holding ten days of hearings in March and April to review the annual reports and expenditures of various government departments.

The 53rd Legislative Assembly of New Brunswick was dissolved on May 8, 1999, and a general election called for Monday June 7. At dissolution the governing Liberal Party, led by Premier **Camille Thériault**, held 45 seats. The Official Opposition Conservative Party held 9 seats and the NDP under Leader **Elizabeth Weir** held one seat.

On June 7th, the Progressive Conservatives under Leader **Bernard Lord** (PC - Moncton East) won the right to form a majority government, winning 44 of 55 seats in the Assembly. The Liberal Party retained 10 seats and the NDP remained at one.

Mr. Lord, 34, was a founding partner in the Moncton law firm of LeBlanc, Boudreau, Desjardins and Lord. He was elected Leader of the New Brunswick Progressive Conservative Party on October 18, 1997. He was first elected to the Legislative Assembly as member for Moncton East on Oct. 19, 1998, and became Leader of the Official Opposition. He was re-elected as the member for Moncton East on June 7, 1999.

On June 21st, Mr. Lord was sworn in as the 30th Premier of New

Brunswick in a colourful ceremony held outside on the front steps of the Legislative Assembly Building in Fredericton. The ceremony was presided over by Lieutenant-Governor **Marilyn Trenholme Counsell**.

In addition to the Premier, the members of the Executive Council were also sworn in. The new Cabinet consists of fifteen members, including seven newly elected ones. **Dale Graham** (PC - Carleton) was named Deputy Premier.

On July 6, 1999, the Members of the Fifty-fourth Legislative Assembly were sworn in by the Lieutenant-Governor in a ceremony held in the historic Legislative Assembly Chamber. The Members elected **Bev Harrison** (MLA - Hampton - Belleisle) as Speaker of the Legislative Assembly.

Following the election of Speaker, the First Session of the Fifty-fourth Legislative Assembly was formally opened with a short Speech From the Throne, read by the Lieutenant-Governor. Her Honour announced that the main purpose of the early session was to seek the approval of the House for the creation of three new committees of the Legislative Assembly.

A Select Committee on Education was established to address the many issues and concerns involving the education of the people of New Brunswick. The Committee was mandated to seek out opinions and knowledge concerning the fields of education and to advise the Minister of Education and the Assembly as to alternatives for the delivery of education to the people of New Brunswick.

A Select Committee on Health Care was appointed to examine issues related to the delivery of health care in the province and to consider other such matters and materials as may be referred by the Minister of Health and Community Services.

A Select Committee was appointed to Review Appointments by the Lieutenant-Governor in Council. The Committee will be charged with reviewing nominees to key positions on selected provincial agencies, boards and commissions. The Committee will make recommendations to the Lieutenant-Governor in Council with respect to the capability of nominees submitted to it by the Government.

The House appointed **Keith Ashfield** (PC - New Maryland) and **Joel Bernard** (PC - Nepisiguit) as Deputy Speakers. In addition to their duties as presiding officers, the Deputy Speakers also serve as Chairpersons of the Committees of the Whole House.

The First Session was prorogued by the Lieutenant-Governor on the afternoon of July 6th. It is expected that the various Legislative Committees will be active over the summer and early fall.

Don Forestell

Clerk Assistant

The first period of extended hours of sitting for the National Assembly during the course of the Thirty-sixth Legislature was held from 25 May 1999 to 18 June 1999. A



total of 33 Government bills were adopted during this period (three of these were studied within the framework of motions to suspend certain rules of procedure), as well as 15 private bills. All the bills mentioned in our previous article (vol-

ume 22, n° 2) were passed, with the exception of Bill 34, *An Act to amend the Civil Code as regards names and the register of civil status*.

The following are some of the more noteworthy bills passed during the intensive session:

- the *Midwives Act*, which provides for the constitution of a professional order conferring on its members an exclusive right to engage in the practice of midwifery and for the integration of midwives into the health and social services network,
- an *Act to amend the Act respecting prescription drug insurance*, which increases the number of persons who are exempt from the payment of any contribution;
- the *Act respecting the Société de la faune et des parcs du Québec*, which establishes the Société in order to oversee the conservation and development of wildlife and the development and management of parks in a manner consistent with sustainable development,
- the *Act respecting environmental assessment of the proposed Churchill River hydroelectric development*, authorizes the establishment, pursuant to an agreement, of a single process for environmental assessment. The matters that may be dealt with in the agreement are specified as well as the effect of the agreement on the application of the *Environment Quality Act* and the regulations. The financing of the implementation of the agreement is also provided for;
- the *Act respecting the reform of government accounting policies and the Act respecting the Corporation d'hébergement du Québec*, which both give effect to the reform of government accounting policies announced in the Budget Speech of 31 March 1998, as well as the *Act respecting certain contracts entered into by the Ministère du Revenu*, which sub-

jects the said contracts to certain requirements concerning the protection of confidential information;

- the *Act to amend certain legislative provisions respecting the Public Curator*, which stipulates that the expenditures made by the Public Curator will be charged to the appropriations voted each year by Parliament and that his revenues will be paid into the consolidated revenue fund,
- the *Act to amend the Act respecting the Automobile Insurance Act and other legislative provisions*, revises the public plan for the compensation of victims of road accidents;
- the *Act to amend the Act respecting elections and referendums in municipalities and other legislative provisions*, harmonizes certain provisions relating to the electoral process with the provisions of the *Election Act*. A new chapter on election posters and billboards is introduced and the rules relating to the marking of ballot papers are modified. The bill provides that that every municipal elector must have been domiciled in Québec for six months.

An extraordinary sitting was held on Friday, 2 July 1999, at the request of Premier **Lucien Bouchard**, in order to pass a special bill entitled *An Act respecting the provision of nursing services and pharmaceutical services*. Québec's nurses had been striking illegally and the pharmacists working for health institutions were threatening to do the same.

Other Matters

Carole Brodeur, Computer and Auxiliary Services Director at the National Assembly, resigned in order to take up another challenge in Québec's public service: She will be a member of the GIRES group (Integrated Resources Management

Group), beginning on August 23, 1999.

The recovery plan that the *Le Parlementaire* restaurant adopted and implemented three years ago is providing excellent results. Service to Members remains a priority, but promotional efforts aimed at tourists, the opening of the restaurant during the summer, the accent on both its fine cuisine and the various regions represented thereby, as well as the regular participation of Quebec's most reknown chefs preparing their regional specialties are the key elements in attaining the desired objectives.

Johanne Lapointe

Secretariat of the Assembly

Translation: Sylvia Ford,

Secretariat of the Assembly

Committees

Since last March, committees of the National Assembly have dealt with three issues having certain repercussions outside of Quebec.

Firstly, the Committee on Culture undertook a study to examine the Y2K bug. More specifically, it intends to clarify the role that Members of Parliament could play in order to ensure that their constituents are well informed on the issues related to this problem and to address these concerns. A general consultation on this subject is underway and will continue in the fall.

Secondly, the Committee on Institutions was required to examine Bill 32 aiming to allow *de facto* unions to be fully recognized without regard to the sex of the persons concerned. Quebec thus becomes the first Canadian province to grant

such recognition to *de facto* spouses of the same sex.

Finally, the Committee on Labour and the Economy gave clause-by-clause consideration to Bill 42 whose aim was to give legal validity to the construction of infrastructures and equipment by Hydro-Quebec following the January 1998 ice storm. This bill gives effect to a decision rendered by the Superior Court of Quebec, which, on 23 February 1999, had acknowledged the illegality of government orders-in-council to authorize this work. The bill, which was strongly contested by the Opposition, was passed by means of a motion to suspend certain rules in the Assembly, which concluded the proceedings of the Committee before its clause-by-clause consideration had been completed.

Other important matters, on a more local level, were also examined by committees.

The Committee on Institutions gave clause-by-clause consideration to a bill respecting the obligation to establish one's identity before voting in a Quebec election. This Committee also examined a bill aiming to integrate midwives into Quebec's health and social services network.

The Committee on Public Finance, for its part, undertook an in-depth analysis of lobbying activities in Quebec. For this purpose, the Committee set up a committee of non-Members who were asked to make recommendations to the Committee. These recommendations are expected to be submitted in September 1999.

The policy on financial assistance to artists and cultural businesses is currently under examination before

the Committee on Culture. The latter has undertaken an order of initiative for the purpose of examining the matter in general, especially as regards the activities of the Société de développement des entreprises culturelles and of the Conseil des arts et de lettres du Québec.

The Committee on Public Administration, which has been in existence only since April 1997, heard the Auditor General with respect to his annual report. The Members thus reversed the usual roles, by obliging the Auditor General to explain his budget as well as the management of his activities.

On another matter, within the framework of the exchange seminar with the Benin National Assembly, the Director of the Secretariat of Committees, **Doris Arsenault**, provided a training session for the staff of the Beninese parliamentary committees. Mr. Arsenault was a member of a delegation which included, among others, the Member for Champlain, **Yves Beaumier**, and the Member for La Pinière, **Fatima Houda-Pepin**. One of the themes discussed there concerned the organization and operation of parliamentary committees. This parliamentary mission was held in Porto-Novo, the capital of Benin, from 3 to 10 July.

Charles A. Bogue

Secretariat of Committees