



# Legislative Reports



## Manitoba

**D**uring August and September, Manitoba was in election mode, as the various political parties vied for support and votes for the general election called for September 21. The election campaign was somewhat unusual in that no poll results were publicly released until three days prior to the election. When polling results from the two major Winnipeg daily newspapers were released on the final weekend before the election, the NDP and the PCs were in a virtual dead heat, with each party receiving 42% of the decided vote. In terms of major campaign themes, the Progressive Conservatives promised \$500 million in tax cuts and a further \$500 million in new spending over 5 years, and offered tax credits for new college and university graduates. The New Democrats focussed on health care and education, promising to eliminate hallway medicine with 6 months, and boosting funding for college and university programs, as well as eliminating

standards testing for grade three students. The Liberal Party also made significant promises in the areas of health care and education.

The election results proved to be as close as the polls hinted. During the course of the evening, the lead changed back and forth various times, and for a period of time, the two leading parties were tied. When all of the final tallies were in, the New Democratic Party, under the leadership of **Gary Doer**, swept to power with 32 seats, winning 44.8% of the popular vote. The Progressive Conservative Party, led by **Gary Filmon**, won 24 seats and 40.6% of the popular vote, while Dr. **Jon Gerard**, whose Liberal Party garnered 13.3%, was the sole Liberal candidate to win a seat. Voter turnout for the election was 68.1%. Two seats, Fort Garry and Assiniboia, faced mandatory recounts, as the margin of victory was less than 50 votes (27 and 6 votes respectively). Upon judicial recount, it was confirmed that **Joy Smith** won the Fort Garry constituency by 30 votes, while **Jim Rondeau** defeated Tory Cabinet Minister **Linda McIntosh** by 4 votes. The Assiniboia recount was appealed, but it was upheld.

Premier Doer and his new cabinet were sworn in October 5. The size of the cabinet was reduced from 18 to 15, and a number of government departments were reorganized and amalgamated. The new cabinet is as follows:

**Gary Doer** - Premier, President of the Executive Council and Minister of Federal/Provincial Relations

**Steve Ashton** - Minister of Highways and Government Services

**Becky Barrett** - Minister of Labour, Minister responsible for Multiculturalism, Minister responsible for the Civil Service

**David Walter Chomiak** - Minister of Health and the Minister responsible for Sport

**Oscar Lathlin** - Minister of Conservation

**Rosann Wowchuk** - Minister of Agriculture and Food

**Jean Myfanwy Friesen** - Deputy Premier and Minister of Intergovernmental Affairs

**Gordon Mackintosh** - Minister of Justice and Attorney General, Government House Leader, Minister responsible for Constitutional Affairs

**Eric Robinson** - Minister of Aboriginal and Northern Affairs

**Diane McGifford** - Minister of Culture, Heritage and Tourism, Minister responsible for the Status of Women, and Minister responsible for Seniors

**MaryAnn Mihychuk** - Minister of Industry, Trade and Mines

**Tim Sale** - Minister of Family Services and Housing

**Drew Caldwell** - Minister of Education and Training

**Ron Lemieux** - Minister of Consumer and Corporate Affairs

**Gregory Selinger** - Minister of Finance, Minister responsible for French Language Services

The new Legislature met on November 18 to elect a Speaker according to secret ballot rules. This was the first time that the Manitoba Legislative Assembly elected a Speaker under the provision of secret ballot

rules that were adopted in April. **George Hickes** was elected Speaker of the Legislative Assembly.

**Patricia Chaychuk**  
Clerk Assistant



## British Columbia

The British Columbia Legislative Assembly adjourned the 3<sup>rd</sup> Session of the 36<sup>th</sup> Parliament on July 15, 1999. The marathon session, which had initially opened on March 26, 1998, was one of the longest in provincial history, stretching to 161 sitting days to date.

Although the lengthy session permitted the timely passage of the *Nisga'a Final Agreement Act* which had been tabled on November 30th, fifty-two new bills were also introduced following the reconvening of the House on March 29th. British Columbia's legislative committees also continued their high level of activity this spring. The session adjourned with the creation of three new Special committees, and the continuation of four Select Standing Committees. Finally, questions concerning the leadership of Premier **Glen Clark** overshadowed the raucous legislative session.

### Legislation

The most contentious debate this spring focused on Bill 58, the *Pension Benefits Standards Amendment*

*Act*, 1999. Introduced by Labour Minister **Dale Lovick** on May 11th, the bill proposed a number of amendments to enhance protection of B.C. pension plan members and pension funds. However, one particularly controversial section allowed pension plan administrators the option of suspending early retirement benefits if the early retiree returned to work in the same trade in the same industry. Bill 58 also sought to change the definition of spouse to include a persons of the same gender, thereby extending private pension plan benefits to same-sex partners.

The legislature also passed Bill 59 the *Tuition Fee Freeze Act* on June 29, thereby freezing tuition at British Columbia's public post-secondary institutions for the fourth consecutive year.

Legislative amendments to the *Liquor Control and Licensing Act* and the *Liquor Distribution Act* were introduced on June 14th through Bill 80, marking the first step in government's plan to implement independent consultant, **Jo Surich's** recommendations for simplifying and modernizing British Columbia's liquor licensing system. The amendments allowed for the introduction of credit cards to be used at government liquor stores, and for some stores to be opened on Sundays.

Also on June 14, the Legislative Assembly voted to accept the final report from the Electoral Boundaries Commission as it was submitted. Because of British Columbia's increasing population, the independent commission recommended changes that will affect over 90 percent of the electoral districts in British Columbia and add four new ridings. The Electoral Districts Act introduced as Bill 96 on July 8th set out to increase the total number of seats in the House from 75 to 79. The new ridings were es-

tablished in those areas with the highest population growth, such as Surrey, which gains two new ridings, Surrey-Tynehead and Surrey-Panorama Ridge. Abbotsford also gains Abbotsford-Clayburn and Burnaby and Coquitlam share the new Burquitlam riding. The new legislation designates approximately one MLA for every 47,146 British Columbians.

### Legislative Committees

Because the 3rd Session of the 36th Parliament has continued since spring 1998 without prorogation, legislative committees have been able to continue their work without interruption.

The Select Standing Committee on Agriculture and Fisheries, with New Democratic Party MLA **Bill Hartley** (Maple Ridge-Pitt Meadows) as Chair, and Liberal MLA **Bill Barisoff** (Okanagan-Boundary) continues to be active as it enters the second phase of its agri-food policy review. The Committee is conducting public hearings in fourteen communities around British Columbia this autumn. It is intended that an agri-food policy acceptable to all parties will be ready to present to the Legislature at the next session.

Since June, the Select Standing Committee on Public Accounts has tabled five reports, which were each adopted by the House. These reports covered a wide range of issues including earthquake preparedness, managing the cost of drug therapies, the collection of overdue accounts receivable, and retention and disposal of government records. Currently, the committee is also reviewing a number of other issues, including the protection of drinking water sources, the Year 2000 "millennium bug" and the estimates process in British Columbia.

The Select Standing Committee on Forests, Energy, Mines and Petroleum Resources has reviewed the 1998/99 Business Plan of Forest Renewal BC, a crown corporation. The 1999/2000 Business Plan is currently before the Committee.

The Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills continues its review of the Members' Conflict of Interest Act.

Three new Special Committees were struck by the Legislature on July 15. The first is the Special Committee on Information Privacy in the Private Sector, which will investigate the use of personal information in private sector transactions, and the impact of electronic documents on privacy and freedom of information for British Columbians.

Secondly, the Special Committee to Appoint an Auditor General will appoint a successor to British Columbia's current Auditor General, **George Morfitt**, who steps down next spring.

Finally, the Special Committee on International Trade and Investment Agreements has been established to review the current negotiations underway at the World Trade Organization, the proposed Free Trade Area of the America's Agreement (FTAA) and other international trade and investment agreements of relevance to British Columbians.

### Death of Member

On July 6, **Fred Gingell**, MLA (Delta South), passed away following a long struggle with cancer. First elected for the Liberal Party of British Columbia in 1991, Mr. Gingell had previously worked as a chartered accountant, and as a director and founder of Mohawk Oil Co. Ltd. He also served as the dedicated and able Chair of the Select Standing Committee on Public Ac-

counts since 1992. Members from all sides of the House paid tribute to Mr. Gingell, describing him as a "voice of reason" and noting in particular his integrity and good humour. A by-election in his constituency of Delta South is expected later this fall.

### Resignation of Premier

British Columbia has upheld its colourful political reputation in recent months. Premier Glen Clark resigned on August 21 following revelations by Attorney General **Ujjal Dosanjh** that he was under criminal investigation for allegedly using his influence in connection with an application for a casino licence by a friend. Mr. Clark's resignation was preceded by a well-publicized RCMP search of his home in March and the resignation of two cabinet ministers, **Joy MacPhail**, and **Sue Hammell**. British Columbia's Conflict of Interest Commissioner, **H.A.D. Oliver** is also investigating whether Mr. Clark may have received a benefit, in the form of discount home renovations, in return for any assistance with the casino application. Mr. Clark continues to serve as a MLA, representing the constituency of Vancouver-Kingsway.

Mr. Clark's Deputy Premier, **Dan Miller** was sworn in as British Columbia's 32nd Premier on August 25th. Mr. Miller will serve as Premier until the New Democratic Party selects a new leader at its leadership convention scheduled for February 18-20, 2000.

**Kate Ryan-Lloyd**  
Committee Clerk



## Saskatchewan

**L**ike many other jurisdictions this year, Saskatchewan voters went to the polls. The 23rd Legislature was dissolved by Lieutenant Governor **John Wiebe** on August 19th. The choice of September 16th as polling day meant an uncommon early fall election in the province and the first to be called in the month of September.

The results also proved to be unusual, catching many veteran observers by surprise. Early predictions of an NDP majority government proved to be incorrect as the final counts came in. Instead voters returned the first minority government in Saskatchewan since the 1920s. Premier **Roy Romanow** led the NDP with 29 seats, for the most part located in urban ridings but falling one seat short of a majority. Saskatchewan Party leader **Elwin Hermanson** won his own seat and was joined by 25 colleagues representing rural ridings. The Liberal Party won three seats, including that of leader **Jim Melenchuk**.

The results in two ridings have yet to be declared. The incumbent in the Saskatoon Southeast constituency, **Pat Lorje**, led the final tally on election night by 36 votes. The closeness of the results prompted **Grant Karwacki**, the Liberal candidate, to request a judicial recount. The results in the Wood River riding proved to be even closer: **Yogi**

**Huyghebaert** of the Saskatchewan Party received an identical number of votes as the incumbent Liberal **Glen McPherson**. Under the *Saskatchewan Elections Act*, the tie is broken by the casting of a ballot by the returning officer. This cast the balance in favour of the incumbent, but a judicial recount has yet to confirm the result.

In the days following the election, much speculation ensued as to how a legislature as sharply and evenly divided along a rural/urban line would operate, and how long a minority government would last. Further interest was focused on the composition of the new cabinet as four ministers had been defeated and one other did not seek re-election.

Two weeks after the election, Premier Romanow offered an answer to these queries. On September 30th, he and Mr. Melenchuk jointly announced a coalition government between the two parties. Under the terms of the written agreement, the parties agreed to work together while affirming the independence of each party. Two members of the Liberal Party would join the cabinet, Mr. Melenchuk as Minister of Education and **Jack Hillson** as Minister of Intergovernmental and Aboriginal Affairs. The name of the third Liberal member, **Ron Osika**, would be jointly submitted to the Legislative Assembly as the coalition's nominee for Speaker. That position had become vacant upon the appointment of former Speaker, **Glenn Hagel**, to the ministry of Post-Secondary Education and Skills Training. The election by secret ballot of the twenty-first Speaker of the Saskatchewan Assembly will be the first order of business when the House opens.

### New Appointment

On November 1, 1999, the Clerk, **Gwenn Ronyk**, announced that **Kenneth Ring** had joined the staff of the Saskatchewan Legislative Assembly as Acting Legislative Counsel and Law Clerk. The process of selecting a new Legislative Counsel and Law Clerk had been initiated in the spring of 1999 but was interrupted by the dissolution of the Legislature in August. Mr. Ring will serve in an acting capacity until the Board of Internal Economy is constituted to make the appointment permanent.

Mr. Ring received his law degree from the University of Saskatchewan and has practiced law with the Saskatchewan Department of Justice for ten years. He brings to his new position extensive experience in the drafting of legislation and regulations and in the managing of the statute translation program. Mr. Ring is also fluently bilingual which will be an added bonus to the Assembly.

### Legislative Building Rehabilitation Project

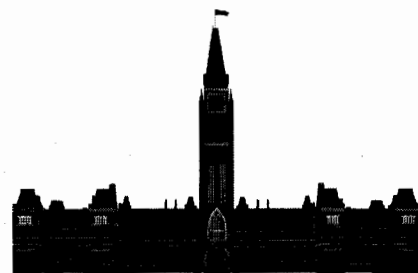
The first phase of the Legislative Building Rehabilitation Project is nearing completion. The primary objective of phase one was to stabilize the building's sinking foundation through the installation of 1800 pre-cast concrete piles under the Dome, North, South and East wings. The structural modifications together with changing soil conditions had proven too much for the original 1908 piles to continue bearing the weight. The resulting stress as the building settled was readily apparent in the cracks to interior walls, to the marble floors and columns, and to the Tyndal stone exterior of the building.

Safety for both regular occupants and visitors to the building is a primary objective of the rehabilitation

project. Phase two of the project will accordingly address life safety and accessibility issues. The nature of the work will include the addition of a fire sprinkler system, improvements to the building exiting and building codes upgrades. The installation of a new barrier free entrance at the front of the building for people with mobility impairments has been designed in keeping with the existing architectural features of this heritage site. The new entrance-way will enable the development of a new visitors reception area that will facilitate the organization of school and groups tours while addressing security concerns. Plans have also been proposed to develop a new public gallery adjacent to this area. A new gallery would provide additional space for showing the Legislative Building's art collections, traveling displays, public education programming and possibly a venue for showcasing Saskatchewan artists.

The Legislative Building will remain open to the public and to those who work within it throughout the four year project. To minimize the disruptions, much of the work will be scheduled for evenings and weekends.

**Margaret A. Woods**  
Clerk Assistant



### House of Commons

On Tuesday, October 12, 1999, the Governor General, **Adrienne Clarkson**, delivered the

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Speech from the Throne before both Houses of Parliament to open the Second Session of the 36th Parliament. This was one of Mme Clarkson's first official duties, as she had been installed as Governor General just the Thursday before.

#### **Reinstatement of Public Bills and Private Members' Motions**

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On October 14, 1999, the House passed a motion allowing a Minister of the Crown to, when introducing a public bill during the first thirty sitting days of the Session, have the bill deemed to have been considered and approved at all stages completed at the time of prorogation of the previous Session, if the bill was stated to be in the same form it was at the time of prorogation, and the Speaker is satisfied that such was the case. Thus, Bills C-48 (*Marine Conservation Areas Act*), C-54 (*Personal Information Protection and Electronic Documents Act*), C-56 (*Manitoba Claim Settlements Implementation Act*) and C-69 (*An Act to amend the Criminal Records Act and to amend another Act in consequence*) from the First Session were reinstated as Bills C-8, C-6, C-14 and C-7 respectively in the Second Session. Private Members' Bills can be reinstated in the same fashion, pursuant to Standing Order 86.1.

The House also passed a motion permitting that, during the same period of time, should a private Member submit a notice of motion that was identical to a motion that stood in the order of precedence in the previous Session at the time of prorogation, the said motion would stand on the Order Paper. As with bills from the previous session, this would occur only if Speaker **Gilbert Parent** was satisfied that the motion was in the same form as it was at prorogation.

#### **Supply – Allotted Days**

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Standing Order 81(10)(b) provides that the number of allotted days will be reduced proportionate to the number of sitting days on which the House stood adjourned, if the House did not sit on days it was otherwise scheduled to sit. As the House had not sat for three weeks it was scheduled to, on October 12, 1999, the Speaker announced that the number of allotted days for the supply period ending December 10, 1999, would be reduced to five. On October 14, 1999, the House adopted a motion restoring the number of allotted days in this period to seven.

#### **Special Debate**

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On October 13, 1999, requests were made to hold an emergency debate on the fisheries issue. **Derek Lee** (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.) moved, with the unanimous consent of the House, that the motions for emergency debates on the fisheries issue be withdrawn and replaced with a motion for a special debate on the fisheries crisis. That evening, the House considered a motion "That this House take note of the difficulties in Canadian fisheries, especially as complicated by the Queen and Marshall case and its implications for both aboriginal and non-aboriginal peoples and for the future management of natural resources".

#### **Privilege**

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On October 14, 1999, **Val Meredith** (South Surrey–White Rock–Langley, Ref.) raised a question of privilege concerning the conduct of CSIS (Canadian Security Intelligence Service) during the lawsuit launched against her in 1996. The Member stated that CSIS tried de-

liberately to intimidate her by taking an active role in the lawsuit against her by collecting and then disclosing information to a third party. In doing so, Ms. Meredith suggested that CSIS had misused the authority that Parliament had given to it, and that the conduct of this governmental agency, in her view, constituted a contempt of the House. The Member argued that CSIS' actions were an effort to intimidate her, and prevent her from speaking freely in the House of Commons and from carrying out her role as official opposition critic. On November 4, 1999, the Speaker gave his ruling, stating that he had not been able to conclude that the actions of CSIS, as reported by the Member, constituted a *prima facie* case of privilege.

On October 21, 1999, **Jim Hart** (Okanagan–Coquihalla, Ref.) raised a question of privilege concerning the deliberate delays by two former special assistants of the Minister of National Defence in releasing information under the *Access to Information Act*. The Member argued that these two persons, by their deliberate actions, had impeded his duty as a Member and their actions should constitute contempt of Parliament. After reviewing the question, the Speaker declared that he could not determine that the Member had been obstructed in the performance of his parliamentary duties and therefore there were not sufficient grounds to find a *prima facie* case of privilege.

#### **Speaking Times During Debate**

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During Routine Proceedings and the debate on a motion by **Don Boudria** (Leader of the Government in the House of Commons, Lib.), **Jay Hill** (Prince George–Peace River, Ref.) raised a point of order relating to Standing Order 74(2), which states that the division of speaking

time between two Members should be announced by the Whip of a party. Mr. Hill indicated that Mr. Boudria had announced, on his own, that he would be sharing his speaking time with another Member. The Speaker said that, notwithstanding the wording of S.O. 74(2), in the past five years, a new practice has occurred, whereby Members have indicated themselves that they will be splitting their speaking time. The Speaker suggested that the Standing Committee on Procedure and House Affairs may wish to examine this matter and change the wording of the Standing Orders to reflect the current practices of the House.

Later in the debate, a further point of order was raised by **John Duncan** (Vancouver Island North, Ref.) after he had moved "That the debate be now adjourned". Following a vote on this motion, the Member argued that as he had indicated that he was splitting his speaking time with another Member, now that debate was to resume, he should be allowed to continue to speak, to entertain questions and comments, or, he argued, at a minimum, the Member with whom he was splitting his time be given the opportunity to speak. The Acting Speaker **Yolande Thibault** ruled that despite a split of speaking period, there was in fact only one speech or period and that the moving of a dilatory motion resulted in the loss of that entire period.

#### Miscellaneous

On August 3, 1999, **Sergio Marchi** (Lib.), Member for the electoral district of York West, announced his resignation. **Sheila Finestone** (Lib.), Member for the electoral district of Mount Royal, resigned on August 10, 1999, following her appointment to the Senate. **Marcel Massé** (Lib.), Member for the elec-

toral district of Hull-Aylmer resigned his seat on September 10. **Bill Matthews** (Burlington-St. George's), on August 13, 1999, announced that he would be leaving the Progressive Conservative Party to sit as a Liberal, while **Angela Vautour** (Beauséjour-Peticodiac) left the New Democratic Party to join the Progressive Conservative Party on September 27. By-elections to fill these vacant seats were held on November 15, 1999. The by-election results are the following: **Marcel Proulx** (Hull-Aylmer - Lib.), **Irwin Cotler** (Mount Royal - Lib.), **Dennis Gruending** (Saskatoon-Rosemount-Biggan - NDP) and **Judy Sgro** (York West - Lib.).

The party standings in the House are now as follows: 157 Liberals, 58 Reform, 44 Bloc Québécois, 20 New Democrats, 19 Progressive Conservatives and 3 independents, with 4 vacancies.

**Pierre Rodrigue**  
Procedural Clerk  
Journals Branch



Since the resumption of proceedings this fall, the National Assembly has passed a total of 18 Government bills and two private Members' public bills. Among the more noteworthy of these are the following:

- the Act to amend the Act respecting labour standards and other legislative provisions concerning work performed by children prohibits employers from having children perform work that is disproportionate to their capacity or likely to be detri-

mental to their education, health or development. In addition, the bill prohibits employers pursuing activities for profit from having children under the age of 14 perform work without the written consent of the person having parental authority or the tutor. Employers will be required to schedule the work performed by children to allow them to attend school during school hours and to ensure that they are at home at night;

- the Act respecting the flag and emblems of Quebec combines the main provisions concerning the flag and emblems of Quebec under a single Act and establishes the various rules applicable to them. In addition to provisions concerning the description and rules applicable to the use of the flag and other emblems of Quebec, the bill establishes the blue flag as the emblematic flower of Quebec and maintains the yellow birch as the emblematic tree and the snowy owl as the emblematic bird of Quebec;
- the Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel establishes a development agency for the Montreal international trade zone at Mirabel, to be known as the Société de développement de la Zone de commerce international de Montréal à Mirabel. The chief mission of the Société is to promote the development of airport facilities at Mirabel.

On 10 November 1999, the Government introduced a bill entitled *Public Administration Act*, which establishes a new results-based management framework in the Administration, centred on transparency and enhanced accountability to the National Assembly so as to affirm the priority given to the quality of the services provided to the public.

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New responsibilities are conferred on the government departments and bodies, who will be required to establish a strategic plan that will guide their actions over several years and to provide an annual management report on the results achieved. Those providing services to the public will be required to make a declaration setting forth their objectives as to the level and quality of their services.

Under a performance and accountability agreement, a more flexible management framework will be adapted to the particular situation of an administrative unit within a department or body and the administrative unit will be held accountable for the specific results targeted in the agreement. Performance and accountability agreements will be concluded between the Minister responsible and the director of the administrative unit.

All such documents emanating from the Administration will be public and will be tabled in the National Assembly.

This bill also simplifies the management rules applicable to the human, financial, physical and information resources of the Administration.

On 19 October 1999, a Member of the Official Opposition submitted to the Speaker of the Assembly a request to rise on a matter of privilege involving the testimony of a public servant of the Revenue Ministry before the Access to Information Board, with regard to a violation of tax confidentiality concerning a Member of the Opposition.

At the following sitting, the Speaker of the National Assembly gave a ruling in which he stated that the facts adduced by the Member did not give rise, *prima facie*, to a point of privilege, since the tax information had not been used to prevent Members from exercising their parliamentary duties.

On 26 October 1999, after having received a second request to rise on a matter of privilege from the same Opposition Member, the Speaker rendered a decision stating that this request was out of order, since the point raised was identical to that raised on 19 October 1999.

Since last August, the National Assembly has been host to several interparliamentary conferences. At the 38th Canadian Region Conference of the Commonwealth Parliamentary Association (CPA), which was held from 7 to 12 August, the debates centred on the place of traditional parliamentarism as we approach the year 2000; on the necessity for party discipline; on the role of Members in the defence of Canadian industries under attack at an international level; and, finally, on the role of legislatures in the integration process of the Americas. On this occasion **Jean-Pierre Charbonneau**, Speaker of the National Assembly, was named President of the Canadian Region of the CPA.

In the course of the first session of the Inter-Parliamentary Committee of the National Assembly and the Central American Parliament, held from 4 to 8 October, Members of both institutions discussed, the promotion and assertion of cultural diversity within the context of globalization. As a follow-up to these debates, the Members unanimously passed a resolution concerning the protection of cultural diversity within the framework of the integration process of the Americas.

Two other deliberative meetings were held at the National Assembly within the framework of the Parliamentary Conference of the Americas (PCA). On 8 October, the Executive Committee of the Network of Women Parliamentarians of the Americas met to draft a set of regulations to govern the Network. The Committee also determined the

subjects to be examined by the Network: the participation of women in democratic circles and the improvement of economic rights of women by means of education and training. Finally, the Provisional Executive Committee of the Parliamentary Conference of the Americas held its meeting from 7 to 11 October, during which the Puerto Rican Parliament was selected as host of the 2nd General Assembly of the PCA, which will take place in July 2000. The theme chosen for this meeting is the fight against poverty.

**Denise Léonard**

Secretariat of the Assembly

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### Committees

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Several important topics were discussed during consultations held by our parliamentary committees during the past trimester. Among the most important of these are the following: the place of religion in schools; the new management framework of the Government; the reduction of personal income tax; waste management; and the reform of transportation by taxi. Furthermore, five public agencies came before the committees to report on their activities and administration.

On 10 November 1999, the Chairman of the Committee on Culture, **Matthias Rioux**, tabled his Committee's final report following an order of initiative concerning Year 2000 compliance. This mandate had begun last spring.

On 2 November 1999, the Secretariat of Committees published a document entitled "*Statistiques des travaux des commissions parlementaires pour l'année financière 1998-1999*" (statistical report on the 1998-1999 parliamentary committee proceedings). A closer look at this report reveals that the Members of the National Assembly are increasingly devoting time to their role as

controllers of Government activities. Indeed, the standing committees have substantially increased the portion of their activities dedicated to monitoring the orientation and management of the machinery of Government.

The statistics contained in this report indicate that the parliamentary control mandates, which include the annual examination of the Government's estimates of expenditure, last year represented 46 % of the total number of committee sittings, while the average for the previous 10 years is of 36 %. Considering that the majority of parliamentary control activities are mainly initiated by Committees rather than in compliance with parliamentary obligation, we must acknowledge that the Members' interest, in addition to their foremost role as lawmakers, lies with the accountability of the Government to the Parliament. This phenomenon can be explained in part by the effects of the statute on accountability passed in 1993, which obliges deputy ministers and chief executive officers of public bodies to come before the standing committees and report on their activities, and, more recently, by the establishment in 1997 of the Committee on Public Administration, whose activities are devoted exclusively to the parliamentary surveillance of the Government.

Moreover, the data contained in the 1998-1999 statistical report indicates that an election period reduced the activities of the committees, since the number of committee sittings decreased by 22 % compared to the average of previous years.

This report, which has been published each year since 1984 by the Secretariat of Committees, allows us to trace the following statistical outline of Members' work in committees over the past fifteen years: each year, an average of 360 com-

mittee sittings have been held, 11 Members have been present and these sittings have lasted 3 hours and 30 minutes; most of the sittings (80 %) have been held between mid-October and the end of December, and between the beginning of March and the end of June, during which periods the Assembly usually holds its sittings; on a yearly basis, some 437 organizations and individuals have come before the various committees to express their opinions within the framework of consultations.

**Doris Arsenault**

Director, Committees Directorate

Translation: **Sylvia Ford**  
Secretariat of the Assembly



## Senate

The First Session of the 36th Parliament was prorogued on September 18 and three weeks later, on October 12, the Second Session opened with the traditional Speech from the Throne. However, during the closing days of the First Session, the Senate returned early in September to deal with two important Government bills that had been debated in June and referred to committees

for study during the summer adjournment. Once these two bills were passed, the Government proceeded to prorogue Parliament. During the First Session the Senate adopted 68 Government Commons bills, 9 Government Senate bills and 6 Public Commons bills. It effectively vetoed one Commons Public Bill, Bill, C-220 *An Act to amend the Criminal Code and the Copyright Act (Profit from authorship respecting a crime)*. It also successfully amended 7 Commons Government Bills and 7 Senate Government Bills.

## Legislation

The first of the two bills considered during the final sitting days in September was Bill C-78 *An Act to establish the Public Sector Pension Investment Board* which dealt with the management of pension plans, including the ownership and disposition of pension plan surpluses. On June 15 the Standing Committee on Banking, Trade and Commerce had reported the bill without amendment but with observations and two letters concerning discussions between the government and its unions. During third reading debate, Senator **Terry Stratton** moved that the bill be referred back to the Committee so that it could monitor the discussions and report back to the Senate no later than September 7. In the subsequent vote the amendment was adopted by a vote of 41 to 38 with 2 abstentions. After hearings at the end of the summer to monitor the situation, the committee again reported the bill without amendment but with observations, including the minority view that the bill should not be enacted. Debate on third reading continued until the Government gave notice of motion for time allocation. The following day the bill passed third reading and obtained Royal Assent.

The second major piece of legislation debated in September was Bill C-32, *An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development*. It was designed to replace entirely the original *Canadian Environmental Protection Act (1988)*, the principal piece of federal environmental protection legislation. After extensive revision in the House of Commons, the bill was sent to the Senate in early June where it was referred to the Standing Committee on Energy, the Environment and Natural Resources after second reading. Given the complex nature of the bill, the committee decided to hold hearings during the summer. Between June and September, it received testimony from 75 individuals representing 30 organizations. The committee reported the bill without amendment but with separate majority and minority observations. In order to complete the debate the Senate agreed to hold additional sittings where numerous procedural issues were raised. Finally, the Government secured passage of the bill by invoking time allocation on September 13.

During some hectic sitting days in June, the Senate dealt with a considerable number of other bills including Bill C-55 *An Act respecting advertising services supplied by foreign periodical publishers*. While this bill which would prohibit foreign publishers from supplying advertising services directed at the Canadian market to a Canadian advertiser was being examined, the Canadian and US Governments continued to negotiate an agreement on cultural industries. Partway through the study by the Standing Committee on Transportation and Communications, the **Sheila Copps**, Minister of Canadian Heritage and sponsor of the bill, proposed substantive amendments to reflect the agree-

ment that had been reached with the Americans. Subsequently, the committee reported the bill with amendments.

Then, Senator **John Lynch-Staunton**, Leader of the Opposition, raised a point of order regarding the admissibility of the amendments, stating that they "are not in order as they are in direct contradiction to the principle of the bill". He also suggested that the amendments involved a possible tax expenditure, thus making it a money bill. On June 3 the Speaker, **Gildas Molgat**, stated that while there might be expenditures as a result of the programs the government might establish following the implementation of the bill, they were not directly part of the bill itself or the amendments before the Senate. Therefore, Bill C-55 was not a money bill. He also ruled that the amendments were in order, noting "that the identification of the principle of a bill can encompass the understanding reflected by senators during debate at second reading, as well as its title and content". With the possibility of a motion for time allocation, Bill C-55 as amended received third reading on June 8.

### **Speaker's Rulings**

Two questions of privilege arising from events that occurred in the first session were referred to the Standing Committee on Privileges, Standing Rules and Orders at the outset of the new session. Senator **Noel Kinsella** raised the first matter which concerned a witness who believed that he had received a five-day suspension from his employer, Health Canada, because of statements that he had made before the Standing Committee on Agriculture and Forestry during its study on recombinant bovine growth hormone, rBST, and its effects on human and animal safety. The second matter which in-

involved the unauthorized release of working drafts of a report of the Standing Committee on Aboriginal Peoples, was raised by Senator **Raynell Andreychuk**. When these questions of privilege were first raised in the closing days of the first session, the Speaker ruled immediately that a *prima facie* case had been made. When they were subsequently raised again in the new session, they were promptly referred to the Privileges Committee for investigation.

Another Speaker's ruling of note occurred on June 7, when he ruled on a point of order raised by Senator **Colin Kenny** on the right of senators to attend meetings of subcommittees. The Speaker concluded that: "senators retain the right to attend and participate in meetings of subcommittees whenever they are meeting publicly. It is less clear that senators have that right when subcommittees are meeting *in camera* for the purpose of considering issues that are subsequently reviewed and endorsed by the committee". After ruling that the point of order was not established, there was an appeal of the Speaker's ruling and it was sustained by a vote of 52 to 2 with 1 abstention.

On November 2 the Speaker made a statement to explain the possible consequences whenever leave is granted during Routine of Business to waive notice for the purpose of debating a motion or considering a committee report. He pointed out that leave is granted once it is determined that no senator present disagrees with the request to proceed with debate either immediately or later during the sitting. Whenever a debate takes place while the Senate is still in Routine of Business, all the rules relating to debate become applicable, including the possibility of raising a point of order which is not normally allowed during Routine of Business.

This is because in agreeing to grant leave and debate the question, the Senate has, in effect, stepped out of Routine of Business for the duration of the debate until it is decided or adjourned.

### Committees

Senate Committees have a reputation for undertaking extensive and thoughtful analyses of proposed legislation as well as substantial and penetrating reviews of public policy issues. The period from June to September was no exception as there were 79 meetings lasting 160.6 hours where 290 witnesses were heard. Furthermore, three substantive reports were tabled on a variety of subjects.

After a year-long study, the Standing Committee on Social Affairs, Science and Technology tabled *Dimensions of Social Cohesion and Globalization*. One of the main questions explored during the committee's hearings was, what forces will hold Canadian society together in an environment shaped by intense global competition and fast-moving technological change? This study examined the kinds of adaptability required of individual citizens, corporations, unions, political parties, government, voluntary organizations and other collective institutions.

The Subcommittee on the Boreal Forest that had started in work in the last Parliament as a task force, tabled *Competing Realities: The Boreal Forest At Risk*. It examined the status of Canada's boreal forests, particularly progress made towards achieving the national goals of sustainable forest management and protection of biodiversity. Its principal recommendation called for a natural forest landscape-based forest use regime that apportions the boreal forest into three distinct categories: timber production (up to

20%); preservation of biodiversity (at least 60%); and protected areas (up to 20%).

The Way Ahead: Canadian Agriculture Priorities in the Millennium Round summarized the testimony received by the Standing Committee on Agriculture and Forestry in Ottawa and in Europe on what Canadian negotiators' priorities should be for agriculture and the agri-food industry in the upcoming round of WTO negotiations on agriculture. This report focused on several key areas: market access, export competition, domestic support, orderly marketing systems, and biotechnology as well as sanitary and phytosanitary measures.

### Ceremonies

The Senate Chamber was the location of three recent special ceremonies, including the installation of the new Governor General, **Adrienne Clarkson** on October 7. Less than a week later, on October 12, the new Governor General presided over the opening of the second session of the 36th Parliament. With the central theme of building a strong country for the 21st century, the Speech from the Throne covered a variety of Government initiatives that will likely be prominent in the new session including children and youth, health care and environment.

Following the success of last year's special ceremony marking the beginning of Veterans Week, the Senate Chamber was the site of a ceremony on November 4 commemorating the 55th anniversary of the Battle of the Gulf of St. Lawrence. This little known piece of Canadian history which saw German U-boats penetrate the Cabot Strait and the Strait of Belle Isle, marked the only time since the War of 1812 that enemy warships inflicted death within Canada's inland waters. On

this occasion, the Governor General signed a Commemorative Distinction, which was presented to the Merchant Navy in the form of a pennant. The Distinction commemorates the Canadian and Newfoundland Merchant Navies for their courage, fortitude and professionalism during the Battle of the Gulf of St. Lawrence from 1942 to 1944.

### Milestones

There have been a significant number of changes in the membership of the Senate in recent months. Four Senators left upon reaching the mandatory age of retirement: Senator **Archibald Johnstone** (Prince Edward Island), Senator **Eugene Whelan** (Ontario), Senator **Marian Maloney** (Ontario) and Senator **Sister Peggy Butts** (Nova Scotia). Senator **Paul Lucier**, long time Senator from the Yukon passed away in August after a lengthy illness. Seven new Senators were appointed: Senator **Sheila Finestone** (Quebec), Senator **Ione Christensen** (Yukon), Senator **George J. Furey** (Newfoundland), Senator **Melvin Perry** (Prince Edward Island), Senator **Nick Sibbeston** (Northwest Territories), Senator **Isobel Finnerty** (Ontario) and Senator **Bernard Boudreau** (Nova Scotia). Senator Boudreau was also named Leader of the Government and sworn in as a Cabinet Minister. Three vacancies remain.

**Barbara Reynolds**  
Committee Clerk  
The Senate



## Ontario

Following the general election in June, the Ontario Legislature met for the first time in the 37th Parliament on October 20. The Order of the day was to elect a Speaker by secret ballot.

Two veteran members – **David Tilson** (PC/Dufferin-Peel-Wellington-Grey) and **Gary Carr** (PC/Oakville) – had previously declared their candidacies. Both members were first elected to the Ontario Legislative Assembly in 1990 and have served continuously since then. No other candidates were nominated for the Office of Speaker, resulting in a single round of balloting. All 103 members were in attendance to receive their ballots, and Mr. Carr was duly elected as the 37th Speaker of the Ontario Legislative Assembly.

The new Speaker barely had time to take his place on the dais before he was called upon to hear his first point of order. **David Christopherson** (ND/Hamilton West) asked the Speaker to consider and rule on the status of the 9 New Democratic members. Having elected fewer than 12 members in the general election, the NDP found itself denied the additional funding that the *Legislative Assembly Act* provides for recognized parties of 12 or more members, to be used to operate the Leader's Office, research and caucus administration support.

The Standing Orders, however, while using the term "recognized parties" in many instances, failed to provide either a definition for the term or, unlike the *Legislative Assembly Act*, set out a numerical threshold. Therefore, as Mr. Christopherson suggested, it was an open question requiring clarification as to what level of participation in the House and its committees would be afforded the nine New Democratic members, and whether that participation would be as a "recognized party", as independent members, or in some other manner.

Following contributions from the Government House Leader, **Norm Sterling** (PC/Lanark-Carleton) and the Official Opposition House Leader, **Dwight Duncan** (L/Windsor-St. Clair) during which they indicated both a willingness and an intention to meet together with Mr. Christopherson to discuss the issue, the Speaker reserved his ruling.

The next day, October 21, Lieutenant Governor **Hilary Weston**, delivered the Speech from the Throne to commence the First Session.

During the period leading up to the next meeting of the House, the three parties negotiated an agreement, which they communicated in writing to the Speaker, settling among them the status of the New Democratic caucus. The agreement made recommendations to the Speaker on how to conduct the business of the House pending the formalization of the agreement through amendments to the Standing Orders and the *Legislative Assembly Act*. The Speaker agreed to accept the Parties' recommendations.

Mr. Christopherson then advised the Speaker that the agreement addressed all of the issues and concerns he had originally raised in his

point of order, and he asked the Speaker to consider his point of order to be withdrawn, a request to which the Speaker was only too happy to accede.

A bill to amend the *Legislative Assembly Act* was then introduced, and a detailed motion to amend the Standing Orders was filed on notice. Two days later, both were fast-tracked through the House with unanimous consent. The general purpose of the changes to both the Act and the Standing Orders was to clarify and codify the meaning of a "recognized party" for both administrative and procedural purposes.

Other changes to the Standing Orders included:

- authorizing the Speaker to require no less than 24 hours to make necessary arrangements for the House to meet following an "emergency recall";
- implementation of a pre-certification process for petitions to the Legislature;
- preventing an order being dropped from the Order Paper when passage of a motion to adjourn the House precedes passage of a motion to adjourn the debate;
- permitting the government to present Estimates even if a Budget for the fiscal year is not presented by the Minister of Finance by Victoria Day;
- allowing the government to refer a public bill to a Standing Committee for review before it receives 2nd Reading;
- the striking of Committees, and the election of their Chairs and Vice-Chairs, for the duration of the Parliament, previously done on a Sessional basis;
- authorizing members of two "policy field" committees to initiate wide-ranging inquiries into subjects within the

committee's scope of jurisdiction, and permitting the committee members to co-sponsor bills introduced by the committee, under the primary sponsorship of the Chair.

One significant amendment to the *Legislative Assembly Act*, which represented a unilateral amendment to the provincial Constitution (Section 87 of the *Constitution Act, 1867*) as permitted by Section 45 of the *Constitution Act, 1982*, changed the requirement for quorum in the House from 20 to 12 members.

Settlement of its internal management needs now permitted the House to turn an unencumbered eye to the public business of the Province.

Early in the Session the Legislature has:

- passed a bill to give effect to a May 20, 1999 ruling of the Supreme Court of Canada, relating to the *Family Law Act*, that required the province to amend its statutes, as necessary, to recognize same-sex partners. The bill made such changes to a total of 67 statutes;
- considered balanced-budget legislation;
- considered legislation prohibiting aggressive panhandling and solicitation;
- adopted a resolution calling for stricter penalties in the *Criminal Code* for cruelty to animals;
- adopted a resolution supporting the erection at Queen's Park of a memorial to police officers killed while on duty;
- adopted an official apology to victims of abuse between the 1930's to the 1970's at the Ontario Training School for Girls (Grandview).

All of the Committees have met to elect their Chairs and Vice-Chairs,

and to begin organizing their work for the Session.

**Todd Decker**

Clerk of Journals and  
Procedural Research  
Ontario Legislative Assembly



## Northwest Territories

Members of the Thirteenth Legislative Assembly of the Northwest Territories gathered in Yellowknife on September 7 for the eighth and final session of the Legislature prior to the writ being issued for the General Election scheduled for December 6, 1999.

The main item on the agenda was the review and passage of a new *Legislative Assembly and Executive Council Act*. The new act contains and reflects substantive changes in two areas of the legislation: remuneration paid to MLAs and conflict of interest provisions for Members.

The new regime will streamline the way in which Members are paid for the work they do. Members will receive a base salary of \$71,000 along with a non-taxable expense allowance of \$5,500 for Ministers and MLAs who live within commuting distance of Yellowknife and \$8,500 for those Members, other than a Minister, not within commuting distance. Additional indemnities will be paid to MLAs elected as Speaker, Premier and Cabinet Ministers and those chosen to be the Deputy Speaker, Deputy Chairs of

Committee of the Whole and Standing Committee Chairs.

Changes to the conflict of interest provisions for Members will implement many of the recommendations made earlier this year by members of the Conflict of Interest Review Panel. The changes will result in a stronger Conflict of Interest Commissioner's office, a defined process for dealing with conflict of interest complaints, a less expensive and more timely alternative to full public inquiries and will clearly spell out for residents what is expected of MLAs and senior appointed staff.

The Special Committee on Western Identity also reported to the Legislature during the final sitting on its work. Committee Members reported that a new Mace for the NWT was in the final stages and they also recommended that work proceed in the 14th Assembly on a new flag and Coat of Arms for the Northwest Territories. The Legislature also accepted the Committee's recommendation to adopt the diamond as the official gemstone and the Arctic Grayling as the official fish of the Northwest Territories and to change the official tree to the Tamarack from the Jackpine.

On September 6 Speaker **Sam Gargan** unveiled a new book on the NWT Legislative Assembly called *History in the Making: Under Northern Skies*. The book was done to commemorate division of the Northwest Territories and to recognize the efforts of the men and women who contributed to the political evolution of the Northwest Territories from 1951 to 1999.

The 13th Legislative Assembly of the Northwest Territories was dissolved on October 21, 1999 and **David Hamilton**, the NWT's Chief Electoral Officer, issued the writ for the next General Election the following day. The number of Members to be elected will increase to 19

from 14 as agreed to by Members in July when they added three electoral districts in Yellowknife (7 in total) and added one extra electoral district in both of Inuvik and Hay River.

Elections were held December 6, 1999 in 18 of the 19 electoral districts. Incumbent MLA **Jane Groenewegen** was acclaimed in the Hay River South constituency. This was the first election held in the Northwest Territories since division of the NWT on April 1, 1999.

Members are expected to be in Yellowknife for orientation in the early part of January and the first session of the 14th Legislative Assembly is tentatively scheduled for the middle of that month.

**Ronna Bremer**  
Public Relations Officer  
NWT Legislative Assembly



## Alberta

On November 17, 1999, the Fall Sitting of the Third Session of the 24th Legislature began with the introduction of five government bills:

- Bill 40, *Health Information Act*, 1999, would establish mechanisms to protect the privacy of individuals and set rules which would enable non-identifiable information to be shared, as appropriate, to provide patient care.
- Bill 41, *Regulated Accounting Profession Act*, 1999, stream-

lines legislation regarding accounting in Alberta. The Bill replaces three accounting acts and standardizes the regulatory process. The Bill received 3rd reading on November 25th.

- Bill 42, *Alberta Stock Exchange Restructuring Act*, 1999, enables the merger of the Alberta and Vancouver Stock Exchanges into a new, expanded junior exchange. The Bill received Royal Assent on November 24th.
- Bill 43, *Fiscal Responsibility Amendment Act*, 1999, provides for a one-time exemption for this fiscal year of \$600 million from the restriction that no more than 25 per cent of a projected surplus can be committed to program expenditures or revenue reduction initiatives not included in the consolidated fiscal plan for that year.
- Bill 44, *Insurance Statutes Amendment Act*, 1999, would define spouse to include parties of the opposite sex in common-law relationships in response to recent court rulings.

The Government also brought forward supplementary estimates.

Prior to the start of the sitting, the Government announced it would be proceeding on two bills left on the Order Paper from the Spring:

- Bill 38, *Constitutional Referendum Amendment Act*, 1999, would require a referendum be held before legislation using the notwithstanding clause could be introduced in the Assembly, except in the case of legislation concerning who may marry.
- Bill 7, *Alberta Health Care Insurance Amendment Act*, 1999, would give the Minister the authority to make regulations on how insurance claims are submitted, who may submit claims, and to whom payment must be made.

Also prior to the start of the sitting, Premier **Ralph Klein** announced that the Government would be introducing legislation in the spring of 2000 to allow private providers of insured surgical services to contract with Regional Health Authorities for the provision of services. The stated intention of the legislation is to ensure that private facilities do not operate outside of the control of the public system. Although the legislation is not expected until next spring, the issue of private health care received considerable attention during the Fall Sitting.

### Report of the Ethics Commissioner

On November 16, 1999, Ethics Commissioner, **Robert Clark**, released his report finding that Provincial Treasurer, **Stockwell Day**, MLA for Red Deer North, had not breached the *Conflicts of Interest Act* with respect to payment of his legal expenses by the Risk Management and Insurance Fund. The Commissioner found that there was no evidence that Mr. Day made any decisions regarding his own claim. The Fund is administered by officials in Alberta Treasury. It covers claims against the Crown and certain legal claims against MLAs. The issue arose in relation to a legal action against Mr. Day for alleged defamation.

The subject of coverage for MLAs is scheduled to be on the agenda of the next Members' Services Committee meeting which is expected to be held sometime after the conclusion of the Fall Sitting.

### Question of Privilege

On November 17, 1999, Dr. **Raj Pannu** (NDP), MLA for Edmonton-Strathcona, raised a purported question of privilege. The event giving rise to the privilege

question was that a replacement worker for the *Calgary Herald* (whose employees were on strike) was escorted into the Legislature Building by a private security guard. The individual subsequently left the Building after a discussion with security personnel. The purported question of privilege was that this person's presence in the Legislature Building breached the privileges of the Assembly. On November 22nd, Speaker **Ken Kowalski** ruled that there was no *prima facie* question of privilege. He noted how this was a "twist" on the more familiar question of privilege where someone is denied access to the Building or the precincts. While there is a division of responsibility in Alberta for security of the Legislature Building which rests with the Department of Justice, and the Assembly and its precincts, Speaker Kowalski expressed the hope that the presence of any visitor in the Building was not intended to be intimidating or threatening. In this instance, he noted that there was no evidence that the individual in question threatened anyone.

#### **Government Reorganization**

On May 26, 1999, Premier Klein announced a major government reorganization in which core responsibilities were realigned into seven new departments. Responsi-

bilities for people development and social services were also realigned into three new ministries, Learning; Children's Services; and, Human Resources and Employment. The new ministries will assume responsibility for programs and services formerly provided through Education, Advanced Education and Career Development, Family and Social Services, the Children's Secretariat and Labour. All of the government's scientific research and development activity was also consolidated into the department of Innovation and Science. The responsibility for transportation, utilities, school buildings and public works was also combined into the new department of Infrastructure. A new Ministry of Gaming was also established as well as a Ministry of Government Services which will assume responsibility for Registries and Consumer Affairs.

The Premier also created three associate Minister positions: Associate Minister of Aboriginal Affairs, Associate Minister of Health and Wellness and Associate Minister of Forestry.

#### **Other Matters**

**Laurence Decore**, Q.C., Leader of the Liberal Party from 1988 to 1994 and MLA from 1989 to 1997 and Mayor of Edmonton, died on No-

vember 6, 1999. Another former Member, **John Butler** (PC), passed away on November 4th.

On November 13th, Speaker Ken Kowalski hosted a ceremony at the Legislature for the raising of the standard of Edmonton 418 Squadron of the RCAF in the Building.

Speaker Kowalski also presided over the ceremony for the unveiling of paintings of Alberta's, "Famous Five", which was held on December 1st at the Legislature. The "Famous Five", **Nellie McClung, Emily Murphy, Louise McKinney, Irene Parlby** and **Henrietta (Muir) Edwards**, successfully challenged the Supreme Court of Canada's decision that women were not "persons" and could not be appointed to the Senate. The Judicial Committee of Privy Council's decision in *Edwards v. Attorney General Canada*, the "Person's Case", declaring women to be "persons", was rendered in 1929.

**Robert Reynolds**

Senior Parliamentary Counsel