

# Legislative Reports

LEGISLATIVE ASSEMBLY



PROVINCE OF

MANITOBA

The Fourth Session of the 35th Legislature was adjourned on July 27, 1993 after a total of 110 sitting days. This comparatively long session saw 72 bills introduced, 57 of them Government and 15 Private Members' bill received assent. The busy session also included 73 meetings of Standing Committees.

## Legislation

Some of the more significant business related to the public sector work week reduction, a rewrite of provincial parks legislation, Sunday shopping, introduction of no-fault vehicle insurance, elimination of the student social allowances program, amendments to the *Taxicab Act*, changes to the *Liquor Control Act* and establishment of a commission to determine the indemnities, allowances and retirement benefits to be paid to Members.

Manitoba practice, when bills reach Committee stage, allows for any member of the public, individual or organization, to register to speak to a bill. This practice was fully used at this session.

Bill 22, *The Public Sector Reduced Work Week and Compensation Management Act*, generated 104 public presentations from a variety of sectors, in particular the labour community, to the Standing Committee

on Economic Development. This was the greatest number of presenters to one bill at this session. Although not a common occurrence, the Committee in this case agreed to place a 20 minute time limit on the presentation.

Bill 41, the *Provincial Parks and Consequential Amendments Act*, also attracted significant public attention primarily over two separate parts of the bill — definition of provincial park land use and taxation of cottagers in provincial parks. Over two hundred people were registered to speak to the bill but only 59 persons made presentations to the Standing Committee on Public Utilities and Natural Resources.

Legislation introducing Sunday shopping to Manitoba, first on a trial basis and then permanently, generated considerable controversy for reasons ranging from economic factors to differing societal values. The trial period came and went before the legislation (Bill 4) reached committee. In the mean time, the legislation for permanent Sunday shopping (Bill 23) was introduced and both bills went to committee together. Nineteen public presentations were made to the Committee.

Often the subject of some controversy, Manitoba's auto insurance plan once again was on the legislative agenda in the form of a plan for no-fault insurance. Intended to maintain adequate and fair compensation for Manitobans involved in vehicle accidents at a reasonable cost to all, Bill 37 generated attention from many sectors, including the legal community, disabled persons and labour organizations. In

total, 21 public presentations were made to the Committee considering the bill.

Bill 32, which eliminated the Student Social Allowances program, raised considerable debate with both Opposition parties registering their opposition through every stage of the bill. The Standing Committee on Law Amendments heard 18 public presentations.

Bill 24 introduced a number of amendments to the fifty-eight year old *Taxicab Act*, including giving broader fee setting powers to the Taxicab Board in order to obtain full recovery of costs from the regulated industry, authorizing the Board to impose monetary penalties for non-compliance with regulations and establishing a process to appeal decisions made by the Board. The proposed amendments raised concerns within the Taxicab industry in terms of costs to the industry and the new powers being given to the Board. The Committee heard 21 presenters over six meetings.

Manitoba's liquor laws were amended by Bill 42. This legislation allows for private retailers to sell wine and for hotel beer vendors to sell imported as well as domestic beer. Other amendments included allowing for the use of credit cards to purchase alcoholic beverages in a bottle, the introduction of stiffer penalties for sale of alcohol to minors and a variety of regulatory changes affecting the sale and consumption of alcohol. The Committee considering Bill 42 heard 20 public presentations with representation ranging from retailers to

persons concerned with increased legal access to alcohol.

Following considerable public debate about MLA's salaries and benefits, Bill 55 was drafted to set up a commission to examine members' indemnities and allowances and to decide what these should be. Members will no longer have control over setting their own salaries and benefits. The bill was developed and supported by all three parties. The Commission itself has since been established, chaired by **Wally Fox-Decent**, and is expected to report back early in 1994.

#### Procedural Matters

Rarely used in Manitoba, a reasoned amendment was moved during the 2nd Reading Debate on Bill 22 by **Steve Ashton**, NDP House Leader. The amendment stated that the bill should not be read a second time because, although his Party agreed with the provisions designed to limit MLA's remunerations and benefits, it opposed other provisions in the bill as they contravened "long-established concepts of and respect for free collective bargaining". After a brief recess, Speaker **Denis Rocan** ruled the amendment out of order because it did not oppose *all* of the principles or provisions of the bill in accordance with established parliamentary practice.

#### Assembly Changes

A number of changes have occurred in the Assembly over the past year which may create a new dynamic for the next Session. In June, the Liberal Party chose as its new Leader MLA **Paul Edwards** (St. James). **Sharon Carstairs**, who announced her resignation last January, continues as the MLA for River Heights but does not plan to run in the next provincial General Election.

With two vacant seats in the Legislature due to the resignations of

**Elijah Harper** (Rupert's Land) and **Harold Neufeld** (Rossmere) earlier in the Session, Liberal MLA **Dr. Gulzar Cheema's** (The Maples) resignation in June brought to three the number of vacancies. After five years in the Legislature, **Dr. Cheema** moved to Vancouver. Shortly after the end of the Session in July, two more MLAs announced their resignations to seek election to the House of Commons — Liberal MLA **Reg Alcock** (Osborne) and NDP MLA **Judy Wasylycia-Leis** (St. John's).

By-elections were called for September 21st for the five vacant seats. Two had been held by the NDP, two by the Liberals and one by the Progressive Conservatives. The results of the by-elections saw the NDP and Liberals retain the two seats each had held prior to the resignations, and the NDP gain one more, reducing the Government's majority to one. The current standing is 29 Progressive Conservatives, 21 NDP and 7 Liberals.

The five new members are **Gord Mackintosh** (NDP St. John's), **Eric Robinson** (NDP Rupert's Land), **Harry Schellenberg** (NDP Rossmere), **Gary Kowalski** (Liberal The Maples) and **Norma McCormick** (Liberal Osborne).

**Judy White**  
Clerk of Committees



Compared to the vociferous spring session of 1993, the British Columbia Legislative Assembly was a relatively quiet place this autumn. No fall sitting has yet been announced, and many Members are spending time in their

constituencies. Despite this relative tranquillity, however, a number of important changes have taken place recently.

**Premier Mike Harcourt** announced an extensive cabinet shuffle on September 15. He introduced the new cabinet as representative of his decision to "provide more direct, focussed leadership" in governing the province. Only two cabinet ministers retained their previous portfolios, while three new members were elevated from the backbenches. The new Minister of Health is **Paul Ramsey**, the new Social Services Minister is **Joy MacPhail**, and the new Minister of Transportation and Highways is **Jackie Pement**. Minister of Finance and Deputy Premier is **Elizabeth Cull**, former Health Minister. Former Finance Minister **Glen Clark** moves to the newly created Ministry of Employment and Investment. Its mandate encompasses most of the former economic development ministry, several Crown Corporations, and several science and technology initiatives. It also includes the Government's major public infrastructure initiative, BC 21, which will oversee public spending in education and transportation over the coming years. Former Forests Minister **Dan Miller** moves to the new Labour, Skills and Training Ministry, formerly the Ministry of Advanced Education, Training and Technology. The total number of portfolios remains at eighteen.

In addition to changes on the Government side, both opposition parties were engaged in leadership contests. On September 11, the Liberal Party elected Vancouver Mayor **Gordon Campbell** as its new leader. He defeated six other aspirants, including former leader **Gordon Wilson**. This leadership election was unique in that for the first time in British Columbia a party leader was chosen by universal ballot. In this

case, a tele-vote was held under which all party members across the province could register their choice for leader; Campbell won easily on the first ballot. Following the leadership convention, Wilson and caucus colleague **Judy Tyabji** announced their intention to sit as Independents. Campbell does not hold a seat in the Legislature so **Fred Gingell** will continue to lead the party in the House, where the Liberals hold fourteen seats.

The Social Credit Party also selected a new leader **Grace McCarthy**, former minister and two other former MLA's: **Graham Bruce**, and **Claude Richmond** entered the race. Vancouver businessman **James Turner** was the fourth candidate bidding to replace interim leader **Jack Weisberger**, who declined to run. The Socreds, with six seats in the legislature, have been the Third Party in the House since the last provincial election in 1991. The leadership vote was held on November 6 in Vancouver. Mrs. McCarthy won on the third ballot.

#### Committee Activity

On July 29 the Special Committee to Appoint an Auditor General was authorized to advertise for and select an Auditor General for the province. The committee, whose chairperson is **Rick Kasper**, placed advertisements across Canada inviting applications, and is preparing a shortlist based on the responses. It is expected that the final selection will be made by Christmas.

The Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills expects to present its report on initiative and recall to the legislature this winter. In the 1991 provincial election British Columbians voted in favour of more direct democracy in provincial politics.

More than eighty per cent of British Columbia voters supported the introduction of citizen-based initiative and the right to recall elected representatives. Upon taking office, the government referred these questions to the committee to examine the implications of initiative and recall legislation and to consider appropriate mechanisms for implementing such measures. The committee conducted twenty-five public meetings between November 1992 and July 1993. It received 171 written submissions and 261 oral presentations.

If the provincial government adopts recall and initiative legislation, British Columbia will be the only province in Canada to have both. The Canadian experience with recall is limited to the Alberta Social Credit government of **William Aberhart**, which passed the Legislative Assembly Recall Act in 1936. The Act was repealed a year later when the premier was in danger of becoming a victim of his own law.

The four Western provinces experimented with initiative legislation during the early 1900s. In 1919 the Manitoba Initiative and Referendum Act was declared unconstitutional because it interfered with the legislative powers of the Legislative Assembly and the Lieutenant Governor. Initiative legislation in Alberta and Saskatchewan was later repealed as well, and the Act to Provide for the Initiation and Approval of Legislation by Electors was passed in British Columbia, but never proclaimed. Initiative legislation was re-introduced in Saskatchewan in 1991 in the form of non-binding referenda that may be initiated by the government or the public through a petition.

British Columbia's Committee Chairperson **Ujjal Dosanjh** said there is "no doubt" that B.C. voters will get the referendum and recall they want; the question is what form

these measures will take. Among the concerns the Committee has addressed are: the grounds for recall; a possible immunity period during which elected officials are not subject to recall; the minimum number of signatures required for a petition to begin the recall process; the timing of recall elections and by-elections; and the procedure of recall and replacement elections.

The Committee has considered a number of questions concerning the implementation of initiative procedures: whether initiatives should be direct or indirect; the subject matter of initiatives; whether initiative referenda will be binding or advisory; the minimum number of signatures required for an initiative petition; and the cost and financing of referendum campaigns.

Neil Reimer and Cori Ross  
Committee Research



When the National Assembly resumed sitting on October 19 last, it welcomed the new Member for Portneuf, **Roger Bertrand** who was elected in a by-election held on July 5, 1993. The Vice-President of the Treasury Board and the Minister responsible for Cultural Communities and Immigration, Mrs. **Monique Gagnon-Tremblay**, was also introduced as the acting Minister of Finance and Dean of the Assembly, substituting for **Gérard D. Levesque**, who was unable to perform his duties due to illness.

Furthermore, the Premier of Quebec, **Robert Bourassa**, had recently announced his decision to quit poli-

tics as soon as a new Liberal Party leader had been chosen.

There were many high points in the Premier's career which spanned twenty-five years. The MNA for Saint-Laurent was the youngest premier in the province's history, having being elected to the office for the first time in April 1970 at thirty-six years of age. He had already been the MNA for the riding of Mercier for four years when he was chosen Leader of the Quebec Liberal Party, a few months before his party took power. After leaving politics in 1976, Mr. Bourassa returned to the political scene in 1983 when he was chosen for a second time to lead his party. Following a June 1985 bye-election in the riding of Bertrand, he once again took a seat in the National Assembly, this time as Leader of the Official Opposition. The Liberal Party regained power on December 2 of the following year and Mr. Bourassa has served as Premier without interruption since then.

The Speaker of the National Assembly, **Jean-Pierre Saintonge**, attended as a Quebec Section delegate the 39th Conference of the Commonwealth Parliamentary Association which was held in Cyprus. He was also in attendance as President of the International Assembly of French-speaking Parliamentarians (AIPLF), a position which he has held since July 1993. Moreover, in October Mr. Saintonge travelled to Mauritius to attend the 5th summit of heads of state and government having in common the use of French. At this summit meeting, the AIPLF was formally recognized as a consultative assembly, which secures its important status within the world Francophone community.

With respect to legislative matters, several bills were tabled for consideration by the members of the National Assembly. One bill, which was tabled by a government MNA, **Jean-Pierre Bélisle**, proposed

amendments to the National Assembly Act which would require all ministers wishing to introduce draft legislation to table first a report detailing the benefits, revenues and expenditures resulting from the application of the proposed provisions. Furthermore, under the proposed legislation, ministers would be required to draw up a report at least once every six years justifying the continued application of the legislation.

**Nancy Ford and Jean Bédard**  
National Assembly Secretariat

### **Committee Activities**

The summer recess was followed by a gradual resumption in the work of the eight standing committees which held 35 meetings for a total of 99 hours.

During the last quarter, the primary focus was on the auditing of the government's financial commitments. This process, which is common to all committees, involves scrutinizing expenditures of \$25,000 and over incurred by departments and public agencies on the basis of lists supplied monthly to the committees according to their respective areas of jurisdictions. The exercise is an opportunity for Members to monitor the performance of expenditure programs which they approved during the budgetary process and to question ministers about the aims pursued, the anticipated results and the procedure for awarding government contracts and grants.

Furthermore, a clause-by-clause study was undertaken of two public bills, one pertaining to legal advertising by businesses, corporations and body corporates, the other respecting assistance and compensation for victims of criminal acts. Eight private members bills concerning municipal legislation were

also examined, with the committees hearing from interested parties.

Pursuant to a provision in their incorporation acts, representatives of the James Bay Development Corporation and the Commission d'accès à l'information de Québec presented their respective annual reports to a parliamentary committee and answered questions from Members.

The quarter preceding the resumption of the National Assembly on October 19, 1993 was also a time for committees to plan and prepare their activities. With this aim in mind, the committees held six working sessions during which several proposals to undertake a review of the directions, activities and management of public agencies were debated. A few committees began to consider ways of carrying out the new duties conferred upon them by Bill 198 sanctioned in June 1993. The new duties have to do with staff cuts in public agencies and the accountability of deputy ministers and agency heads. Basically, the committees' role will be to monitor, on the one hand, the progress made by independent organizations within the public and parapublic sectors in implementing staff reduction plans and, on the other hand, to hear every year from deputy ministers and agency heads, accompanied by the responsible minister if deemed necessary, who come before the committees to discuss administrative management and any other administrative matter brought to light in the Auditor General's report.

Lastly, it should be noted that the public hearings of the Committee on Institutions into the legal aid system, which were slated to be held in the fall, have been postponed until January 1994.

**Alain Major**  
Committee Secretary