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# Legislative Reports



## Ontario

If one word describes the Spring 1997 sitting of the Ontario Assembly, it would be 'unusual'.

In the first instance, because of a motion passed in the House late in 1996, the Assembly began the Spring Sessional period on January 13. Ordinarily, the House would not have met until the third Monday in March. However, the government of Premier **Michael Harris** wanted the House to resume earlier in order to deal with the organizational structure of the province's municipalities and school boards, the financing of these, and the amalgamation of the seven municipalities of Metropolitan Toronto into one. Once the necessary alteration to the parliamentary calendar was proposed and passed, the House was set to meet in mid-January.

During the first week of the Spring sitting, the government brought in a number of Bills to accomplish its municipal restructuring. Partly because the Toronto amalgamation, introduced earlier, was anticipated to result in a

"megacity", and partly because of the significant nature of the other legislation, this week came to be known as "Megaweek".

Controversial bills were introduced that revised the funding arrangements for schools. The province removed the cost of education from municipal property taxes and took it over completely while at the same time divesting the control and funding of general welfare into the municipalities. The legislation also introduced an Actual Value Assessment system for determining the amount of tax to be levied on each property in the province; proposed fundamental changes to the province's 20-year-old rent control system, eliminating it completely on new construction or vacated apartments. Another bill revised the control and responsibilities for community libraries. Water and sewage service, police services and the administration of provincial offences were also the subject of many changes.

The primary focus of the Spring Session proved to be the City of Toronto amalgamation legislation. Bill 103 was considered in the Standing Committee on General Government under the terms of a time allocation motion, which provided that the Bill would be referred to the Committee of the Whole House once it was reported from the committee. The time allocation motion provided for one hour of consideration in Committee of the Whole House, at which point the Chair of the Committee would put every question necessary to dispose of the Committee of the Whole stage. The

time allocation motion also required that any proposed amendments to be dealt with in Committee of the Whole had to be filed by 2:00 p.m. on the day that the order for Committee of the Whole's consideration of the Bill was called. Between them, the two opposition parties filed approximately 13,000 amendments to the Bill. Significantly, the time allocation motion also provided for the House to meet beyond its normal adjournment, if required, to complete the Committee of the Whole stage on the same day.

What ensued as a result of these factors must surely have been the longest single sitting of any legislature: 248 consecutive hours. In one of the numerous rulings required of Speaker **Chris Stockwell** during the extended sitting, he referred to the filibuster as "a procedural impasse of logarithmic proportions". To those at the Ontario Legislature caught up in this unique phenomenon, the accuracy of the Speaker's assessment could not be questioned.

In Committee of the Whole House, the Chair began putting every question necessary to dispose of the amendments. As each of the 13,000 filed amendments was read, the terms of the time allocation motion provided that the actual vote on each would be deferred if a division was requested; the opposition parties requested a recorded division on every amendment (except those few where simple fatigue and distraction meant that the amendment either was carried or was lost without a division being required). Initially, the 5 members required to force a recorded division stood after

each question. Eventually, 5 members simply remained standing for hours to indicate their ongoing desire for recorded divisions on each amendment. In the end, a government member sought, and received, unanimous consent of the House for 5 members to be deemed to be standing on each question, relieving members of the need to stand.

As the reality and scale of the task now facing the Committee of the Whole House set in, there were numerous estimates on the length of time it would take to get through all the amendments. Based on the "rate of progress" and on the total number of filed amendments, an unofficial consensus arose around the time frame of 40 days and 40 nights. Members and Assembly staff recalibrated their time horizons and everyone settled in for an impossible task that had no precedent and, therefore, no frame of reference.

Since "political DNA" pre-disposes any government of the day to want expeditious debate and passage of its proposals, and any opposition to want extended debate and contested passage of (most) government initiatives, the validity and reasonableness of the opposition's tactic were repeatedly challenged, and vigorously defended. On 22 occasions, rulings of the Chair were appealed to the Speaker, who made his way to the House at nearly every hour of the clock to hear arguments. In numerous instances, the Speaker suspended proceedings to confer with Table Officers, to research precedents and to consider his ultimate rulings.

In the end, the Speaker ruled on issues as diverse as editorial re-numbering by Legislative Counsel of sections of Bills, to partisan props and demonstrations and the wearing of political insignia and lapel buttons in the House; from the neutrality of the Speaker's deputy pre-

siding officers, to deciding that everyone of the 13,000 filed amendments need not be read in full by the Chair; from the alleged frivolity of a large number of the opposition's filed amendments, to the admissibility of amendments filed by the government. All the while, uncommon interest in and awareness of the Legislature's proceedings kept the galleries well-attended and the participants comporting themselves in a slightly more well-defined, televised fishbowl.

As the immensity of the task took hold of everyone, thoughts were cast ahead to the actual voting process, which would still need to take place following the reading of all the amendments. Because the doors of the Chamber would be locked during the voting, it was apparent that simple human considerations would preclude the ability of the Assembly to fulfill the process that the rules prescribed. No one could continue without food or sleep for the amount of time that voting on all the amendments would require. As the reading of the amendments continued, the three Party House Leaders began to discuss a political solution. After negotiations, it was agreed that the voting would take place in 4-hour blocks, with a 15-minute break between each block to allow new caucus "shifts" to take over.

Once all of the amendments had been read, the Committee of the Whole House started over where it began – at the first amendment put – and the Chair began taking the recorded divisions on each. As the massive piles of amendments slowly dwindled, the end of a challenging and fascinating parliamentary episode drew closer. The clause-by-clause process came to its end, and the Bill was reported as amended to a raucous, newly invigorated House at about 9:00 p.m. of the tenth day. Almost anticlimac-

tically, the Speaker adjourned the House to the next Sessional day, and weary members and staff made their way home to a long-awaited rest.

In order to avoid a possible immediate replay of the Bill 103 filibuster, the government moved to have another of its "Megaweek" bills, Bill 104, the *Fewer School Boards Act*, pulled from the Committee of the Whole House and ordered it for Third Reading. Bill 104 had been considered under an almost identical time allocation motion to that Bill 103, and thousands of amendments had already been filed to Bill 104 as well. Because Bill 104 had already had certain amendments made to it in standing committee, the government was prepared to live with it as it was, rather than see the House in the midst of another extended sitting.

In the end, a measure of the scale of the Bill 103 extended sitting of the House can be seen in the fact that the Hansard for the day fills 2006 pages; a normal sitting day would be about 35 pages. Also the issue of *Votes and Proceedings* for the day is 18 pages; normally it would be about 4 pages. Ultimately, proceedings on the Bill did not take the projected 40 days and 40 nights, but all the participants were no doubt stunned and impressed with the vigour, power and logic of a parliament pushed to its extremes.

The start of the Spring Sessional period also saw the appointment of three new House Officers. **Lisa Freedman** and **Todd Decker** were appointed Clerks-at-the-Table and **Dennis Clark** began his duties as the new Sergeant-at-Arms. On the second day in their new roles, they were thrust into the historic, legislative deadlock. Their 'trial-by-fire' will not soon be forgotten.

## Committee Activity

In June 1996, the Standing Committee on the Legislative Assembly was authorized to review and report on the matter of referenda. The basis of this review was a consultation paper prepared by the Ministry of the Attorney General entitled *Your Ontario, Your Choice: A Preliminary Look at the Referendum Alternative*. The paper describes itself as "the start of an extensive and full dialogue with Ontarians about how best to implement a referendum strategy for Ontario".

The Committee's deliberations began in September 1996 and it heard from almost 50 groups and individuals during five days of public hearings. The Committee heard from **Ted White**, MP for North Vancouver, and **David Mitchell**, former British Columbia MLA, by way of video-conferencing and two Ottawa area groups by way of tele-conferencing.

The Committee's report, entitled *Final Report on Referenda*, containing 31 recommendations, was tabled in the House on July 3, 1997. The Committee recommended that the Government should introduce legislation authorizing provincial referenda on any topic within the jurisdiction of the province. The Committee recommended a referenda regime in which referenda could be initiated by either the Legislative Assembly or the citizens of the province, a majority vote of 50% plus one would be needed for the referendum question to pass, and the government of the day would then be required to introduce a bill to implement the decision.

In dissenting opinions, both the Official Opposition and the Third Party expressed concerns that the rights of various minorities in the province may not be sufficiently protected. They also emphasized that referenda should be a tool of

and not a replacement for the parliamentary process.

On February 3, 1997, the Standing Committee on General Government began its public hearings on Bill 103, *An Act to replace the seven existing municipal governments of Metropolitan Toronto by incorporating a new municipality to be known as the City of Toronto*. These hearings, chaired by **Bart Maves**, generated considerable public interest. There were countless neighbourhood meetings and the exiting municipalities each held a referendum on the proposed municipal amalgamation.

The time allocation motion governing these proceedings provided for 14 days of hearings, during which the Committee heard submissions from 552 different organizations and individuals. The Committee met from 9:00 a.m. to 9:00 p.m. and despite these long hours, many members of the public watched the entire proceedings. The public gallery was usually full and at times overflow rooms were needed. Clause-by-clause consideration occurred on March 6, 1997. During this final stage of the committee process, no amendments were moved and the Bill was accordingly reported to the House and sent to the Committee of the Whole House.

The Standing Committee on Social Development, chaired by **Annamarie Castrilli**, met to consider Bill 104, the *Fewer School Boards Act, 1997*. During the current Parliament's extended winter session, Ontarians were witness to a wave of sweeping, government legislation. The Ministry of Education and Training set about overhauling the education system of Ontario in a bill that reduced trustee participation, re-organized regional school districts and created an Education Improvement Commission to oversee the transition.

Bill 104 passed first reading on January 13, 1997, and received second reading February 12, 1997, at which time it was referred to the Standing Committee on Social Development. Subject to a time allocation motion passed February 6, 1997, province-wide public consultation of the Bill commenced February 17, 1997 in Toronto and March 17, 1997 on the road. The Committee heard over 300 deputants in 10 days of intensive public hearings around the province.

**Todd Decker**  
Clerk-at-the-Table and Senior  
Committee Clerk



## Northwest Territories

**M**LA's returned to the Legislative Assembly on May 27 for an abbreviated sitting to deal with several pieces of legislation, including: Bill 14 *Supplementary Appropriation Act, No. 1, 1997-98*; Bill 16 *An Act to Amend the Northwest Territories Housing Corporation Act*; and Bill 17 *An Act to Amend the Territorial Hospital Services Act*.

Finance Minister **John Todd** also announced the launch of the Northern Employment Strategy. The \$32 million strategy is a two-year action plan aimed at job creation, economic growth, and labor force development, particularly for young people and the unemployed.

Under the strategy the territorial government will directly support private sector and economic development initiatives which:

- stimulate immediate job and work experience opportunities, particularly for summer students and young people;
- offer new jobs and work-related educational opportunities to social assistance recipients and the unemployed; or
- offer training and technical support to build a capable workforce within individual communities.

### Committees

In June the Standing Committee on Social Programs concluded its public hearings on the proposed Family Law Bills — the *Adoption Act*, the *Child and Family Services Act*, the *Children's Law Act*, and the *Family Law Act*. Committee Members will meet again during the summer and into the early fall to discuss their findings and prepare their report before reporting to the House when it reconvenes in October.

Standing Committees have also started their initial reviews of the costs associated with the creation of the two new territories and two new government structures in 1999. The process will resume when MLAs return to the Legislature in the fall after a summer break.

### Division Activities

Work on the creation of the two new territories continues to proceed with less than 600 days until a new Canadian map becomes a reality on April 1, 1999.

In Nunavut, residents voted 57 per cent against and 43 per cent in favor of guaranteed equal representation for men and women in the first Nunavut Legislative Assembly. If the proposal had been publicly supported, it would have meant that Nunavut voters would

have elected one male and one female for each constituency in the new Nunavut Legislative Assembly. Voter turnout in the May 26 Public Vote was low at only 39 per cent.

The Nunavut Electoral Boundaries Commission's report was also publicly released on July 18, 1997. In the report, the three-member Commission, chaired by the Hon. J.E. Richard, Q.C., outlines three models for electoral districts for the first Nunavut Legislative Assembly. The three models are: 11 dual-member electoral districts, 20 single-member electoral districts, and 17 single-member electoral districts. The Commission also suggests possible constituency breakdowns for each of the three models. The report will be tabled by the Speaker and debated by Members when the House reconvenes in October.

In the western Territory, the Constitutional Working Group (CWG), the group drafting a new constitution for the territory, agreed to delay plans for a plebiscite on a constitution package. The vote was expected to be held this fall. However, members agreed to delay the vote until 1999 after the public made it clear that they thought the process was being rushed.

The CWG also released an interim report at the end of June in time for the aboriginal summer assemblies and other meetings. The new report answers some of the questions raised during the first round of community consultations and further examines four possible government models. A follow-up to *Partners in a New Beginning*, the document released in October, 1996, is expected to be released in the fall of 1997 before a second round of community consultations begins.

**Ronna Bremer**  
Public Relations Officer



On June 19, 1997, the National Assembly adjourned its proceedings for the summer holidays after having held 47 sittings since the House resumed last March. During this period, more than 60 bills were passed, several of which were of a socioeconomic nature.

The establishment of two new ministries reflects the Government's concern with respect to this matter. Hence, the new Ministry of Employment and Solidarity shall be responsible for manpower, employment, income security and family allowances, while the main objective of the Ministry of Child and Family Welfare is to enhance this institution and to promote its full development.

The Assembly also passed a bill to establish a fund to combat poverty, a bill to assist young persons and adults in entering trades and professions by focussing on in-plant training, as well as a bill to set up a committee for the purpose of promoting the economic, cultural and social development of Greater Montreal.

A Private Member's Public Bill was also on the legislative agenda. The object of this bill is to require the disclosure of the compensation received by executive officers of companies listed on the stock exchange. With the passage of this bill, Quebec now has regulations on securities similar to those set forth by Ontario

and the United States in recent years.

One will recall that in December 1996, the Assembly had passed legislation to provide for the constitution of an Energy Board designated, amongst other things, to examine the complaints of customers dissatisfied with services provided by electricity distributors. In June, the Energy Efficiency Agency was, in turn, established by law, and was given the power to advise the Energy Board on matters pertaining to energy efficiency. The agency also has the responsibility of informing and enhancing the awareness of energy consumers with respect to the advantages of energy efficiency, while providing technical support for research and development in this field.

On a more sombre note, Members were reminded of the devastation caused by the torrential rains of July 1996 in the Saguenay, Lac-Saint-Jean region when a bill concerning the reconstruction and redevelopment of the areas affected was introduced in the Assembly. It should be noted that an unusual practice occurred as large-scale aerial photographs of the devastated areas were tabled in the Assembly, copies of which are reproduced in appendix to the bill.

The *Charter of the French Language* was amended in order to establish the Protection of the French Language Board. The bill includes provisions requiring that all computer software be provided in French except if no French version exists.

Finally, a bill to ensure the establishment of linguistic school boards also received passage in June. This is a turning point in the history of the education reform in Quebec.

The Official Opposition moved one want of confidence motion during the the last sessional period, while six motions were debated within the framework of Business Standing in the Name of Members

in Opposition, one of which was proposed by an independent Member.

Since May 21, 1997, all Private and Public Bills of the National Assembly have been available on its Internet web site ([www.assnat.qc.ca](http://www.assnat.qc.ca)). The bills are produced in HTML format, which ensures immediate access to their contents, and also in PDF format. The latter provides for the in extenso version of the official paper copy tabled in Parliament but requires the Adobe Acrobat reader.

Updating is done continually, which allows the user to follow the parliamentary debates virtually hour-by-hour. Speedy access to this information is a characteristic feature of the Assembly web site. Hence, it is possible to consult the provisions of a bill on Internet approximately one hour after its introduction in the House. The same delay applies for the *Journal des débats* (Hansard). The *Order Paper and Notices* is on the site at 8.00 o'clock a.m. on each sitting day, and the French and English versions of the *Votes and Proceedings* are available in the hour following the adjournment of proceedings.

The site also contains the transcript of parliamentary committee proceedings, consultation papers and certain committee reports, as well as the schedule of committee meetings.

It should be noted that bills given royal assent can also be found on [www.gouv.qc.ca/jp2.html](http://www.gouv.qc.ca/jp2.html). A subscription to Publications du Québec is necessary in order to have access.

Within the framework of its educational mission, the National Assembly organized a Parliament for grade-school-level students, which held its first sitting on May 23, 1997. This activity gives 6th grade students the opportunity to carry on the parliamentary duties of a Member for a day.

Grade schools from across Quebec were invited to take part in this event, the purpose of which is to introduce these young learners to the legislative procedure. This was done through a simulation of parliamentary proceedings, including a question period addressed to the Speaker of the House and the passage of a bill.

These proceedings were broadcast live on the cable network. Speaker **Jean-Pierre Charbonneau**, the promoter of this activity, was proud to chair the sitting, since it allows these young people to acquire a better knowledge of our political history and to contribute to the enrichment of democracy by promoting the respect of our institutions. The Secretary General of the Assembly and his assistants at the table were also active in preparing and carrying out the day's activities.

Sixty-nine students were elected by their peers to represent their school at this special event. The level of enthusiasm and commitment of these eleven and twelve-year olds was impressive and clearly revealed by the numerous amendments tabled during the clause-by-clause consideration of a bill of their choice. Of course all of the students of participating classes, along with their teachers, had spent many hours, during the preceding weeks, earnestly preparing a legislative text in accordance with the rules pertaining to the drafting of bills.

Three of the proposed bills were accepted by the selection committee of the National Assembly and thus debated during the Student Parliament. The first one referred to the inscription of graffiti in public places; the second one brought about changes to the school calendar and the third one dealt with the obligation to wear a school uniform.

Looking to the fall events, the session reconvenes on October 21,

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1997. Committee work, on the other hand, resumed in August.

**Nancy Ford**  
Secretariat of the Assembly  
Translated by Sylvia Ford

### Committee Activity

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From May through July 1997, the work of the National Assembly's committees focused on a variety of reports tabled at the conclusion of investigations initiated by committee members. This period also saw the start of proceedings by the new Committee on Public Administration, set up on an experimental basis on April 10, 1997.

The first report was tabled by the Committee on Agriculture, Fisheries and Food on May 8. The Committee had been studying the government's proposed guidelines on control of odours, noise and dust in agricultural areas. In light of the briefs and evidence presented at the public hearings in April, the Committee members unanimously adopted a report setting out those provisions they thought most likely to encourage good neighbourly relations between farmers and non-farmers living in agricultural areas. The provisions put forward by the Committee are aimed basically at preserving agricultural activities in rural and exurban areas while minimizing insofar as possible the inherent inconveniences.

On June 10, the Committee tabled a second report, in which it recommended an increase in the ceiling on loans made to farmers by the Société de financement agricole.

The Committee on Culture wrapped up the mandate entrusted to it in February 1995 of determining the issues entailed in developing Quebec's information highway. On May 27 it tabled an imposing report entitled *Inforoute, culture et démocratie: Enjeux pour le*

*Quebec*. The report contains over 50 recommendations, and in particular it asserts that while the information highway has potholes and bumps, it also offers possibilities and opportunities that the government must definitely seize.

Lastly, on June 17, the Committee on the Economy and Labour published its final report on its review of Hydro-Quebec, the province's biggest Crown corporation. With the help of a panel of experts, the Committee produced a report that is the result of lengthy consideration and a number of days hearing from senior management at the corporation. The report contains 21 recommendations on the four main areas scrutinized: restructuring of electricity markets, energy efficiency, new sources of renewable energy, and research and development.

Apart from these significant reports, the early summer was also notable for the launching of the Committee of Public Administration. Its mandate, to follow up on the annual report of the province's Auditor General, is similar to those of the public accounts committees in other Canadian jurisdictions. However, it differs from those committees in that it has additional powers. It can investigate financial commitments made by government departments and agencies, and, under the accountability legislation, it can hear from deputy ministers and executives of public agencies.

The new Committee's initial proceedings were concentrated in May, when it held five public hearings. On June 3, as a record of this first month's work, the Committee tabled a report clarifying and drawing conclusions on two problems raised by the province's Auditor General in his 1995-96 Report - shortcomings in the administration of the municipal infrastructures program established by the Canada-Quebec Agreement of 1994, and the man-

agement of the Quebec government's therapy insurance plan for employees with long-term disabilities.

The new Committee's continuance will have to be confirmed by the National Assembly on October 22, since it was created in April as a pilot project.

During May and June the committees proceeded with detailed consideration of many bills, of which the most notable were undoubtedly Bill 40, *An Act to amend the Charter of the French Language*, Bill 79, *An Act to establish the Commission des lésions professionnelles and amending various legislative provisions*, and Bill 109, *An Act to amend the Education Act, the Act respecting School Elections and other legislative provisions*. The aim of the last of these bills is to set up francophone and anglophone school boards, which would require a constitutional amendment. The committees also considered 17 other private bills, dealing largely with municipal matters.

A number of committee mandates have been announced for the coming months, including four general consultations: one on the draft bill entitled *An Act to amend the Education Act*, one on identity cards and protection of privacy, one on the government document entitled *L'immigration au Québec de 1998 à 2000, prévoir et planifier*, and one on the five-year report from the *Commission de l'accès à l'information*.

The Committee on Social Affairs has chosen to use its mandate to examine, initially, the problem of suicide in Quebec; it will then look at government policy on the supply, management and distribution of blood. The Committee on Public Finance will be reviewing lobbying activities in Quebec while continuing to work on drafting umbrella legislation for government agencies and enterprises.

In addition, the following bodies will be the subjects of committee review in September and October:

- the Caisse de dépôt et placement du Québec,
- the Société de récupération et de recyclage,
- the Société de l'assurance automobile du Québec,
- the Corporation d'urgences-santé de la région de Montréal métropolitain and,
- the Régie des rentes du Québec.

The Committee on Public Administration will be hearing from the deputy ministers of Agriculture, Fisheries and Food, Public Security, and Industry, Trade and Science and Technology. The presidents of the Commission des services juridiques, the Régie des alcools, des courses et des jeux du Québec and the Société de développement industriel, and the Associate Secretary of Government Services, will also be called to appear and explain how they have administered the public's money.

The reports mentioned in this article can be found in their entirety at the National Assembly's Internet site: <http://www.assnat.qc.ca>.

**Doris Arsenault**  
Coordinator  
Committee Secretariat

LEGISLATIVE ASSEMBLY



## Saskatchewan

The Second Session of Saskatchewan's 23rd Legislature ad-

joined on May 21st after sitting for 51 days. A total of 111 public bills were introduced, with all but one of the 76 government sponsored bills receiving royal assent. None of the 35 Private Members public bills proceeded past second reading. Three private bills were also passed.

The last day of the session on May 21st coincided with the premiere of the last in a series of educational videos produced by a partnership of the several government departments and agencies, private organizations and the Legislative Assembly. Entitled *From Palace to Prairie: The Crown and Responsible Government in Saskatchewan*, the video uses a documentary style approach to depict the origins of responsible government and the role and influence of the Crown and its representatives in Saskatchewan. Archive photographs, newsreel excerpts, newspaper front pages, illustrations and file footage are combined with commentary to bring the story alive.

### New Cabinet Members

On June 27th, Premier **Roy Romanow** introduced his newly shuffled Cabinet. With nine Ministers remaining in their current portfolios, seven of their colleagues assumed new responsibilities. Deputy Premier **Dwain Lingenfelter** takes over sole responsibility for the Crown Investments Corporation and the crown sector. Former Finance Minister **Janice MacKinnon** becomes Minister for Economic and Co-operative Development and the Government House Leader. **Berny Wiens** takes on Intergovernmental and Aboriginal Affairs while **Ned Shillington** is the Provincial Secretary and Deputy Government House Leader. **Eric Cline** moves to the Finance portfolio and is replaced at Health by **Clay Serby** **Joanne Crofford** is the new Minister of

Post-Secondary Education and Skills Training.

In addition, two new ministers were appointed: **Judy Bradley** (Weyburn) as Minister for Highways and Transportation and Minister responsible for the Status of Women and **Maynard Sonntag** (Meadow Lake) who takes on responsibilities for the Saskatchewan Property Management Corporation and the Liquor and Gaming Authority.

### New Party

The political landscape in the province shifted in early August when several sitting members changed their party affiliation. The formation of the new Saskatchewan Party was announced on August 8th in Regina. Support for the new party came from sitting members of the Liberal Official Opposition and the Progressive Conservative Third Party along with current and past Saskatchewan Reform Members of Parliament.

The Liberal members include **Ken Krawetz**, who was the recognized Leader of the Official Opposition due to Liberal Leader **Jim Melenchuk** not having a seat in the Assembly, former Deputy Whip **Bob Bjornerud**, former Caucus Chair **June Draude** and the Liberal House Leader **Rod Gantefoer**. Tory Leader **Bill Boyd** heads the departing P.C. members of **Dan D'Autremont** who held the Whip's position, **Ben Heppner** and former House Leader, **Don Toth**.

A steering committee has been formed and it is expected that a founding convention will be held later in the fall followed by a leadership convention early in the new year. Mr. Krawetz and Mr. D'Autremont have been appointed interim leader and deputy leader respectfully. With a total of eight sitting members compared to the six

of the remaining Liberals, the new party members sought recognition from the Speaker as the Official Opposition.

On August 21, 1997, Speaker **Glenn Hagel** made a public statement announcing his decision to recognize the new Saskatchewan Party caucus as the Official Opposition and the interim leader, **Ken Krawetz**, as the Leader of the Opposition. Consequently, the Liberal caucus, formerly the Official Opposition, became the Third Party with the interim leader, **Ron Osika**, recognized as Leader of the Third Party.

A fifth Liberal member, **Arlene Jule**, announced that she would be sitting as an Independent Liberal while the remaining Tory member, **Jack Goohsen**, loses party status in the House and will also be an Independent.

The party standing in the Assembly now stand at 41 N.D.P., 8 Saskatchewan Party, 6 Liberal, two Independent Liberal and one Independent Progressive Conservative.

**Margaret Woods**  
Clerk Assistant



## **British Columbia**

The 2nd session of British Columbia's 36th Parliament adjourned on July 30 after 82 sitting days. It was one of the longer sessions in

recent memory, and included eight weeks of night sittings.

### **Legislation**

In all, fifty-three bills were debated in the chamber, a number of which dealt with controversial matters. One of the most high-profile bills featured amendments to the province's labour code. It was introduced but not proceeded with by the government following protests from business groups and the opposition, who complained that the changes were unnecessary and were being introduced without adequate public consultation.

Another controversial bill was the *Tobacco Damages Recovery Act*. The first of its kind in Canada, the bill makes it easier for the government to sue tobacco companies for damages caused by their products. The Health Minister, **Joy MacPhail**, argued that the bill is necessary to permit the recovery of health care costs which result from tobacco use.

The government also introduced two bills designed to recognize homosexual rights in marriage and family maintenance. *The Family Relations Amendment Act* and *Family Maintenance Enforcement Amendment Act* provide that homosexual and lesbian couples will legally be spouses under the same definition as heterosexual couples, and subject these relationships to the same laws regarding child maintenance. Both bills passed third reading on July 22 by substantial majorities.

### **Committees**

After lengthy deliberations, the Aboriginal Affairs Committee released its report on the Nisga'a Agreement-in-principle and the provincial treaty process. The report, following a comprehensive public hearing schedule by the committee, contains 72 recommendations covering a range of issues,

including resource use, self-government provisions, public education and consultation, taxation, third party compensation, and others. For the first time in British Columbia, this standing committee was authorized to permit minority opinions in its report. Accordingly, Liberal and Reform opposition members appended minority opinions on some of the issues before the committee; although they agreed with the majority on most recommendations, the minority offered different views on the ratification process for treaties by supporting public referenda, and made clear their view that aboriginal self-government provisions should be limited to municipal-style powers.

The Parliamentary Reform Committee also met during the legislative session. It was charged with a two-fold task regarding Members' conflict of interest: recommending a new Commissioner pursuant to the *Members' Conflict of Interest Act* and, following that, reviewing the act itself. On July 30, the committee recommended that retired British Columbia Supreme Court Justice **H.A.D. Oliver** become the province's new Conflict of Interest Commissioner. The Assembly endorsed the committee's recommendation, and Mr. Oliver has since taken over from acting commissioner **Peter Meekison**. The Commissioner, a statutory officer of the Legislature, serves a five-year term and is responsible for receiving members' disclosure statements, investigating complaints of contravention of the Act, and making findings and recommending penalties to the Assembly when necessary.

Along with the Parliamentary Reform Committee's review, other committees will be active during the fall. A special committee has been appointed to review the province's freedom of information legislation; this review was mandated by the act



when it was passed four years ago. In addition, the Public Accounts and Forests committees will be active, along with a committee to recommend a Police Complaints Commissioner; the latter is a new statutory officer position created to independently review complaints brought against municipal police officers in the province.

Neil Reimer  
Committee Clerk



## Alberta

The First Session of the Twenty Fourth Legislature adjourned on June 16, 1997. During the sitting, the Assembly passed 29 government Bills, 3 private members' public Bills, and 7 private Bills.

### Government Bills

This session saw Royal Assent given to a number of Government Bills. The *Freedom of Information and Protection of Privacy Amendment Act* was introduced by the Premier as Bill 1. The Act allows "local public bodies" (public educational institutions, health authorities, and municipalities) to be brought under the Legislation on a sector by sector basis.

- The *Alberta Treasury Branches Act* changes the status and operations of the Alberta Treasury Branches (ATB). Notably, it transforms the ATB into a pro-

vincial Crown corporation giving the Board and management greater autonomy from Government, and allowing it to remunerate employees at rates comparable to charter banks.

- The *Child Welfare Amendment Act, 1997* deals with child prostitution and adoption. The Act includes "prostitution related activities" in the definition of child sexual abuse. The Act also incorporates the Hague Convention on intercountry adoptions making Alberta the sixth province to do so.
- The *School Amendment Act, 1997* introduces performance bonds for students in an effort to improve attendance and course completion. The Act also extends the terms of school board trustees from 3 to 5 years; places limits on school board borrowing; improves the process for establishing separate school districts; and, permits boards to charge foreign students market-value tuition fees.
- The *Election Amendment Act, 1997* repeals the prohibition on political parties, political candidates, or other persons, from advertising on any broadcasting facility on the day preceding an election and the day of an election. This Bill brings Alberta legislation in line with a 1996 ruling by the Alberta Court of Appeal which struck down a ban contained in the federal *Election Act* on political advertising on the days leading up to an election.
- The *Local Authorities Election Amendment Act, 1997* allows for the creation of a permanent voters list at the municipal level; enables municipalities to accept nominations at more than one location; ensures that the fines and penalties contained within the Act are consistent with those in the *Election Act*; and, adds 2 new categories of voters eligible to vote at advance polls, namely, seniors living in a senior citizens facility and those who cannot vote on polling day for religious reasons.

Four omnibus Bills were passed by the Assembly: the *Registries Stat-*

*utes Amendment Act, 1997*; the *Justice Statutes Amendment Act, 1997*; the *Municipal Affairs Statutes Amendment Act, 1997*; and, the *Miscellaneous Statutes Amendment Act, 1997*. The Official Opposition raised a point of order regarding the first 3 omnibus Bills (See Speaker's Ruling below).

Five of the more controversial Government Bills remained on the Order Paper at the end of the Spring sitting. Bill 26, the *No Tax Increase Act*, would require that the government hold a referendum before introducing a Bill into the Assembly to raise personal income taxes. The purpose of Bill 20, the *Conflict of Interest Amendment Act, 1997*, amended the ethics guidelines for Members. Bill 30, the *Health Information Protection Act*, would establish methods of protecting the privacy of personal health information, ensuring reasonable access to that information, and setting out rules for collecting, using, and disclosing health information. It would also have created the position of Health Information Commissioner; an officer of the Assembly. Bill 29, the *Medical Profession Amendment Act, 1997* would establish a physician performance committee, while Bill 31, the *Provincial Agencies Continuation Act*, would have mandated that certain government departments and agencies continue to exist past 1999, at which time they would otherwise cease to exist.

### Private Members' Public Bills

Three Private Members' Public Bills were passed by the Assembly during the Spring sitting. Bill 202, the *Crown Contracts Dispute Resolution Act*, requires that if a party to a contract with the Crown commences a legal action, then the Crown and the party must attend a mediation session prior to taking any further step in the action.

Bill 204, the *Provincial Court Amendment Act, 1997* concerns grandparent's access to their grandchildren. Prior to passage of the Bill, grandparents could only apply to the courts for access to their grandchildren as a third party or on behalf of the child. The provisions of the Act expressly provide grandparents with the right to apply for access. Quebec is the only other province with similar legislation in place.

The third Private Members' Public Bill passed was Bill 205, the *Protection from Second-hand Smoke in Public Buildings Act*. This legislation will prohibit smoking in provincial government buildings except in designated smoking rooms. The Act takes effect in June, 1998.

### **Committees and Conferences**

The Private Bills Committee dealt with 7 private Bills this sitting, the subject matter of the Bills ranging from the incorporation of insurance companies to the transfer of the trusteeship and agency business of one trust company to another. All private Bills received Royal Assent.

The Legislative Assembly is currently conducting a search for a new provincial Ombudsman. In May the Assembly established a 5 member Ombudsman Search Committee, composed of private members from both the Government and the Official Opposition.

The Alberta Standing Committee on Public Accounts and the Office of the Auditor General is currently organizing the annual joint meeting of the Conference of Legislative Auditors (COLA) and the Canadian Council of Public Accounts Committees (CCPAC) to be held September 14-16, 1997 in Edmonton. COLA delegates include federal and all provincial Auditors General and Deputy Auditors General. CCPAC delegates include members from the public accounts committees of

all the provincial assemblies and the House of Commons, as well as representatives from the assemblies in Western Australia and New South Wales.

The XVth Annual Canadian Sergeants-at-Arms Conference was held in Edmonton on August 5-8. In addition to representatives from Canadian jurisdictions, Sergeants-at-Arms from Westminster and Australia also attended.

### **Speaker's Ruling**

On May 26, 1997, **Howard Sapers**, the Opposition House Leader raised a point of order concerning omnibus Bills. He contended that three omnibus Bills offended parliamentary practice. Mr. Sapers argued that the goals and principles of the Bills were unclear, that no notice of the content of the Bill was given by the title, that the Bills merged unrelated topics into one Bill, and that the matters covered within the omnibus legislation were important enough to merit their own Bills. In keeping with precedents from other jurisdictions in Canada, Speaker **Ken Kowalski** ruled that it was not the role of the Chair to divide omnibus Bills. He indicated that dividing a Bill differed from dividing a motion. Accordingly, the Bills could proceed.

A few days later, Mr. Sapers attempted to give notice of a motion to provide instructions to the Committee of the Whole to divide an omnibus Bill. The Speaker ruled that the motion could not proceed as the Standing Orders of the Legislative Assembly of Alberta did not provide for that type of motion, and noted that similar motions had not been allowed by various Speakers of the House of Commons. He also noted that while *Beauchesne's* refers to instructions to a Committee to divide a Bill, there was no precedent

from Alberta or the House of Commons to support the proposition.

On the last day of the sitting, the Speaker ruled on a purported question of privilege raised by **Pam Barrett**, the Leader of the New Democrat Opposition. Ms. Barrett indicated that her caucus wanted to introduce a Private Members' Public Bill out of the order determined in a pre-session draw of all private members for Bill positions. The Bill in question had been introduced in the Assembly prior to the 1993 amendments to the Standing Orders. Under Alberta's Standing Orders, Private Members' Bills are to be "perused" by the Speaker and Parliamentary Counsel prior to introduction. The Speaker ruled that there was no *prima facie* question of privilege. The Speaker noted that the 1993 amendments to the Standing Orders have resulted in more consideration for Private Members' Bills. Since 1993, 12 Private Members' Public Bills have become law. The Speaker ruled that Private Members' Bills must be drafted in accordance with the draw. If a Private Member introduced his or her Bill out of sequence, the Speaker ruled that the order in which it was considered would not be affected. In Ms. Barrett's case, a draft Bill was tabled in the Assembly between the time she raised her question of privilege and the Speaker's ruling.

### **Historic Events in The Assembly**

On April 24, 1997, during Committee of Supply, for the first time in the history of the Legislative Assembly of Alberta the Presiding Officer and the Table Officers were all women. The participants in this event were **Judy Gordon**, Member for Lacombe-Stettler, **Louise Kamuchik**, Clerk Assistant and Clerk of Committees, and **Shannon Dean**, Parliamentary Counsel.

In May, the Legislative Assembly extended the rare honour of inviting a non-Member onto the floor to address the Assembly. On May 8, 1997, **Rick Hansen** addressed the Assembly on the occasion of the tenth anniversary of his Man in Motion world tour. Mr. Hansen encouraged the government to develop partnerships with the private sector in an effort to eliminate the physical and psychological barriers the disabled continue to face in society and to develop new methods to fund research into spinal cord injuries.

### Other Events

Two days after the Spring sitting adjourned, **Grant Mitchell**, the Leader of the Official Opposition, announced his intention to resign as party leader. Mr. Mitchell has served as an Edmonton MLA from since 1986, and as Liberal party leader since 1994. He will continue in his role as the Member for the constituency of Edmonton-McClung until the next election. The timing of Mr. Mitchell's announcement will allow the party to establish the voting procedures for the leadership convention, which may be as late as November 1998.

The Government will be holding the first "Growth Summit" in Edmonton on September 29 and 30. The Summit is co-chaired by Premier Klein and former Liberal MLA, Dr. **Michael Percy**. The Summit is a "brainstorming" session on how the Alberta Government should handle strong economic growth while keeping public finances under control. Close to 100 delegates have been selected from business, government and social sectors. The Summit is divided into 6 areas concerning various aspects of public and private sector development.

With the dissolution of the 23<sup>rd</sup> Legislature for the March 11, 1997 provincial election, the 1993 Memo-

randum of Agreement between House Leaders came to an end. Under that Agreement there were to be 2 sittings of the Assembly, one before February 15 and the other before October 24 each calendar year. There is no longer a requirement for a Fall sitting.

**Robert Reynolds**  
Parliamentary Counsel



### Manitoba

As reported in the Summer edition, the flooding situation Manitoba experienced during the spring had an impact on the sittings of the Legislative Assembly. An informal arrangement was established and agreed to on a weekly basis, whereby the Assembly did not sit on Monday nights or Fridays, and this arrangement continued to be in effect until mid June. In order to compensate for time lost, by agreement of the House, the Committee of Supply sat in three sections, as opposed to the customary two sections, in order to consider the estimates of the various government departments in an expedited manner.

As estimates consideration neared its 240 hour time limit, the focus of Assembly time shifted to the consideration of legislation. In total, 62 government Bills were debated and received royal assent,

while 2 Private Bills also achieved third reading and royal assent. Some of the more consequential pieces of legislation included: Bill (No. 7) - *The Midwifery and Consequential Amendments Act*, which established the practice of mid-wifery and created the College of Midwives for Manitoba; Bill (No. 41) - *The Regional Health Authorities Amendment and Consequential Amendments Act*, which established two regional health authorities for the City of Winnipeg; Bill (No. 50) - *The Freedom of Information and Protection of Privacy and Consequential Amendments Act*; which changed some of the mandatory and discretionary disclosure exceptions under the auspices of *The Freedom of Information Act*, and which also placed restrictions on the use and disclosure of personal information, and also established the Provincial Ombudsman as the authority to investigate complaints lodged about the disclosure of personal information.

Other key pieces of legislation included Bill (No. 51) - *The Personal Health Information Act*, which placed restrictions on the collection, retention and disclosure of personal health information, and Bill (No. 55) - *The Manitoba Hydro Amendment Act*; which modified *The Manitoba Hydro Act* to include provisions for the wholesale competition in the electrical market, and also granted the ability to offer new products and services as well as the ability to create new subsidiaries and enter into joint ventures and new business alliances. In addition, two pieces of Family Services legislation were introduced in response to a review conducted on *The Child and Family Services Act*, legislation which sought to improve the adoption process and increase protection for children under the auspices of the Act. Bill (No. 47) - *The Adoption and Consequential Amendments Act* mandated not-for-profit adoption agen-

cies which meet licensing requirements, allowed private practitioners to conduct adoption assessments, provided for the confidentiality of existing adoption records, and also provided for the filing of permanent vetoes on accessing information for new adoption records. Bill (No. 48) - *The Child and Family Services Amendment Act*, created provisions to allow applications for access to children in care by extended family (e.g. grandparents), established an independent abuse investigation unit responsible for investigating all allegations of abuse of children in care, allowed police to authorize agencies to share information prior to the completion of a criminal investigation, replaced the Child Abuse Registry Review Committee with hearings in the Court of Queen's Bench, and expanded access to the Child Abuse Registry to any organization where an individual, employee or volunteer has access to children.

Manitoba had its first experience with a Sub-Committee, as the Sub-Committee of the Standing Committee on Privileges and Elections was established in late March to conduct a public review on the legislation pertaining to the Office of The Children's Advocate.

The Sub-Committee consisted of five members of the main Privileges and Elections Committee, and was chaired by **Peter George Dyck**. The Office of the Children's Advocate was established in 1992, and has responsibility for advising the Minister of Family Services on matters relating to the welfare, provision of service and interests of children under the auspices of *The Child and Family Services Act*, and to review and investigate complaints received.

The legislation pertaining to the Office stipulates that a public review must be conducted by a committee of the Legislature within 3

years of the establishment of the Office, and in accordance, the Sub-Committee was struck to conduct the public review. Advertising was placed in provincial newspapers advising of the hearings, and a deadline date for registration was set for April 18, with written submissions to be received by April 30.

The Sub-Committee conducted public hearings in Winnipeg and in Thompson, Manitoba, during the period May 12 to 21, and in a first for the Manitoba Legislative Assembly, used video conference technology to receive submissions from presenters from the communities of Brandon and Dauphin. The Sub-Committee presented a report with recommendations to the Privileges and Elections Committee on June 23, and the P & E Committee agreed to adopt the report and report it to the Assembly. Some of the provisions contained within the report included the recommendations that:

- the Office of the Children's Advocate report directly to a Committee of the Legislative Assembly;
- the Children's Advocate be appointed for specific terms of office;
- in cases where the Children's Advocate and the agency disagree, the case be referred to the Director of Family Services for resolution
- the Children's Advocate delegate his authority to ensure greater access to the services of the Office in rural and northern Manitoba.

Another interesting aspect to note about the Sub-Committee report - it marked the first time for the Manitoba Legislative Assembly that a minority report was included as part of a Committee report.

Prior to the session ending, the Legislative Assembly considered and adopted a number of perma-

nent rules changes, many of which were based on provisional rules that had been in place for a one year trial period in 1996. Some of the more significant of the new permanent changes include:

- the elimination of Monday night and Friday sittings of the House (the House will still continue to sit on Fridays during consideration of the Address in Reply to the Speech from the Throne and the Budget Address)
- the adoption of Thursday morning sittings
- the addition of a Third Section of the Committee of Supply to consider departmental estimates
- the creation of a permanent Chairperson for the Third Section of the Committee of Supply
- Members' Statements and Grievances, two items that had been part of the provisional rules, have now been included in Routine Proceedings on a permanent basis

Up to five Members' Statements can be made on a daily basis, with each statement not to exceed two minutes. Grievances are now part of Routine Proceedings (they had previously been tied to the Supply process) and have been reduced to 15 minutes from 40 minutes. Opposition Days have also been resurrected, with up to 3 sitting days to be designated as Opposition Days in each session. In addition, it was agreed that gender neutral language be adopted throughout the rules. These rules are to come in force on the opening day of the Fourth Session of the Thirty-Sixth Legislature.

The Manitoba Legislative Assembly concluded sitting on June 27, 1997.

**Patricia Chaychuk**  
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