
Legislative Reports



Northwest Territories

The Fifth Session of the Thirteenth Legislative Assembly reconvened on January 21 for the start of the 1998-99 Budget Session.

In releasing what has been called the final budget for the Government of the Northwest Territories on January 22, Finance Minister **John Todd** spoke of opportunities, Division, a \$2 million surplus, and forging a future filled with promise. "It (the budget) is both responsible and compassionate – striking the right balance between responding to needs and seizing opportunities," Mr. Todd told Members of the Legislative Assembly in his Budget Address.

He said the Government has worked hard to balance its budget and that he expects a small surplus from the 1997-98 fiscal year. That surplus will be used to bring down the accumulated deficit of \$41 million (at the end of 1996-97).

In presenting the Government's blueprint for spending, Mr. Todd announced several new programs and initiatives aimed at ensuring that the two new territories created by Division on April 1, 1999 get off on a secure financial footing. One of

the new initiatives announced in the budget is implementation of the Public-Private Partnerships program. This program has the potential to increase the Government's annual \$140 million investment in public infrastructure by up to \$100 million in each of the next two years.

Mr. Todd also announced the government's intention to apply an additional \$40-\$50 million over the next two years under the Accelerated Home Ownership Program Delivery to help address the North's housing shortage. He also announced plans to introduce the Northwest Territories Investment Tax Credit. This credit is intended to encourage the private sector to market shares of NWT businesses to northern taxpayers and encourage northern investors to purchase shares in up-and-coming northern businesses.

However, the budget did not just focus on developing and stabilizing the economy. It also put new dollars into social programs. Mr. Todd introduced the NWT Child Benefit aimed at putting more money into the hands of low income families.

The Government intends to enhance the Income Support Food Allowance by making \$1 million available to adjust the rates paid for food allowances within the Income Support program. Mr. Todd reminded Members that Division is little more than a year away and said the budget "will create the foundation on which to build two viable, financially sound territories".

Within days of the budget's release, Members began their department by department review of the Main Estimates. The review is expected to continue through the end of February.

Prior to the Budget session, Members held a special one sitting on December 2, 1997 to discuss national unity and in particular the Report of the Special Committee on National Unity. The House unanimously passed a resolution in support of the Calgary Framework Agreement with special attention to Northern and aboriginal issues. The Special Committee on National Unity coordinated the process for consulting with Northerners that included questionnaires, constituency meetings, an interactive Web Site and electronic responses.

Committees spent much of November and the first part of December reviewing draft departmental budgets and business plans prior to their presentation in the Legislative Assembly as part of the 1998-99 Budget Address and Main Estimates review process. The Standing Committee on Government Operations also held public hearings on Bill 1: *Power Corporation Act* and Bill 2: *An Act to Amend the Public Utilities Act*. Both Bills deal with plans for the Northwest Territories Power Corporation following division of the NWT. The Bills propose a corporation that is shared by the new Nunavut and Western Territory governments. Another round of hearings is planned before the Committee will be reporting back to the House.

Progress towards the creation of two new territories continues with many decisions left to be made. However, the groundwork for both new jurisdictions is starting to be laid. In Nunavut, leaders met in Iqaluit in January and agreed that the first Nunavut Legislative Assembly will have 19 Members based on single-member constituencies. The Office of the Interim Commissioner has recently selected the new deputy ministers and a Clerk of the Legislative Assembly for the new Territory that should facilitate the advance work necessary to have a new bureaucracy in place by April 1, 1999.

Western MLAs have also reached agreement on the number of Members to be elected in 1999. Residents in the western Territory will elect 14 Members in October, 1999. Current MLAs will continue in office until their current term expires in the fall of 1999. Members of the Constitutional Working Group continue with their work towards drafting a new constitution for the new Western Territory. A second round of public consultations is expected to begin in March and leaders hope to have a ratified constitution that can be sent to the Federal Government for their approval.

Ronna Bremer
Public Relations Officer



Manitoba

The Fourth Session of the 36th Legislature commenced on

Thursday, November 27, 1997, with the reading of the Speech from the Throne by the Lieutenant Governor, **Yvon Dumont**. Mr. Dumont is in the final year of his term as Lieutenant Governor, and this is likely the last time he will be opening a legislative session in Manitoba.

In the Speech, the Government paid tribute to the many Manitobans who worked so hard to combat the severe spring flooding. In addition, the Government indicated plans to:

- propose a strengthening of the national equalization system;
- propose measures to strengthen federal support to health, education and training and family programs;
- reinvest funds expected to be freed up as a result of the introduction of the National Child Benefit;
- support principles to avoid discriminatory federal tax and expenditure policies;
- and support the development of a new long-term national infrastructure agreement.

Other initiatives targeted in the Throne Speech included: proposed changes to the *City of Winnipeg Act*; the introduction of an *Employment Standards Code* to consolidate the existing *Employment Standards Act*, *The Payment of Wages Act* and *The Vacations With Pay Act*, and also changes to *The Elections Act* and *The Elections Finances Act*.

Specific areas of concern raised in the Throne Speech also included educational and employment concerns for Aboriginal Youth, debt load problems for post-secondary students, funding for the implementation of recommendations to deal with domestic violence, and recommended changes to the *Young Offenders Act*.

During the eight day Throne Speech debate, Opposition Leader

Gary Doer moved a motion of non-confidence in the government, which contended that the government failed to meet the needs of Manitobans by:

- failing to provide adequate and timely compensation to Manitobans who were driven from their homes by the Red River flood;
- failing to respect the rights of Manitobans victimized by crime
- forcing Manitobans to bear the costs of privatizing the Manitoba Telephone System,
- failing to respond to Manitoban's frustrations over the lengthy waiting lists for medical procedures and surgeries,
- failing to implement key recommendations of the Pedlar Commission,
- failing to implement the key recommendations of its own report on the Health of Manitoba Children,
- failing to prepare Manitoba youth for the 21st Century by committing to stable funding for the public school system,
- failing to support the Canadian Wheat Board as a single desk seller, and
- failing to implement the recommendations of the Aboriginal Justice Inquiry while cutting funding to Friendship centres and to the ACCESS and BUNTEP programs.

The motion of non-confidence was negated on a recorded division on December 8, while the motion for An Address in Reply was agreed to on a recorded division on December 9.

In addition to consideration of the Throne Speech Debate, 18 pieces of government legislation were introduced and given First Reading, and also had Second Reading commenced, while one Private Member's Bill was introduced and had First Reading agreed to. The Assembly concluded sitting on De-

ember 11, but prior to rising agreed by unanimous consent that the Assembly would not sit during the period March 30, 1998 to April 3, 1998, and further agreed that consideration and passage of the Interim Supply Bill would take place prior to the adjournment of the House on Thursday, March 26, 1998.

Unity Task Force

The Manitoba Legislative Task Force on Canadian Unity held hearings in a number of Manitoba communities in January, including Pine Falls, Winnipeg, Portage la Prairie, Brandon, Dauphin, Norway House, Thompson and The Pas. The All Party Task Force, chaired by Professor **Wally Fox-Decent**, heard from a number of presenters, and received replies to a questionnaire from 13,000 Manitobans, nearly 80% of whom supported the endorsement of the framework agreed to in Calgary by a majority of the Provincial and Territorial Leaders. The Task Force is now drafting a report, which is expected to be released in March.

Patricia Chaychuk
Clerk Assistant



The proceedings of the National Assembly's autumn session ended on 19 December 1997, following the passage of 38 public bills and 8 private bills. They included:

- A bill amending the Quebec Pension Plan to establish new rates of contribution which will

increase gradually until the year 2003.

- A bill amending the *Act Respecting Labour Standards* to prohibit work from being carried out by employees under the age of 16 between the hours of 11.00 p.m. and 6.00 a.m., with the exception of newspaper deliveries.
- A bill amending the *Courts of Justice Act* to reduce to not more than 270 the number of judges at the Court of Quebec.
- A bill that establishes a mandatory process that is to precede the fixing of the remuneration of the said judges.
- A bill to amend the *Act respecting the Caisse de dépôt et placement du Québec* so as to eliminate restrictions on the Fund's acquisition power and on its investment power. It also allows the Fund to form subsidiaries to engage in new activities and permits the appointment to the Fund's board of directors of two persons who do not reside in Québec.
- A bill to amend the *General and Vocational Colleges Act* by establishing obligatory tuition fee for students who are not Quebec residents enrolled in programs leading to a college degree.
- A bill to amend the *Act respecting financial assistance for students* by providing, among other things, for the repayment by the Minister of Education of a portion of the loan if the borrower completes a program of studies within the time prescribed and obtains official certification thereof.
- A bill creating a new government department for the regions – the *Ministère des Régions*. It provides for the accreditation of local development centres and regional development councils and establishes a regional development fund.
- Two other bills abolished the Quebec Sports Safety Board, the Quebec Highway Authority, the

Committee on Music Studies, the Committee on Drama Studies, the Timber Scalers Examination Board, the Pipefitters Examination Board, the Electricians Examination Board, the Telecommunications Board, the House of Science and Technology Corporation, the Quebec Transport Corporation, and the Transport Research and development Council.

The amendments to the Standing Orders that were tabled in the Assembly last spring and which were again carried by the Assembly upon the resumption of proceedings in October 1997 were extended until 11 March 1998. Furthermore, the Speaker tabled two documents containing his proposals for parliamentary reform. The subjects reviewed in these documents concern the election of the Speaker and of the Deputy Speakers, the procedure for accelerated passage of bills and motions, petitions, oral questions with debate and the presence of witnesses in parliamentary committee.

With regard to the Standing Orders of the National Assembly, the objective is to have both the French and English versions available on our Internet site by the time the Assembly resumes its proceedings in March.

In November 1997, the Minister of Relations with Citizens and Immigration asked the Speaker to render a decision on whether freedom of speech privilege allows a Member, while delivering an address in the Assembly, to disclose personal information, in any form - during a speech or when quoting, tabling or displaying a document.

In a decision issued on 13 November 1997, the Speaker stated that the privilege of freedom of speech is the least disputed as well as the most fundamental of a Member's rights, whether in the Assembly or in Committee. This constitutional privilege applies not

only to the speech delivered by a Member, but also to any other act that he may accomplish in the performance of his parliamentary duties, including the tabling of documents. Though important, this privilege may however be limited by the rules for parliamentary debates.

No rule of parliamentary procedure specifically provides for the respect of the right to privacy, although this right is protected by the *Charter of Human Rights and Freedoms* and by various other statutes. However, these statutes cannot have precedence over the constitutional right of freedom of speech. In any case, the Speaker does not have the authority to interpret statutes, save and excepting those containing rules of parliamentary procedure.

Although from a legal point of view Members are granted considerable immunity in the performance of their parliamentary duties, the Chair formally requested that all Members consider the fundamental rights of individuals when tabling a document or acting within the framework of parliamentary debates.

On November 18, Cancom, Vidéotron and the Quebec National Assembly signed a memorandum of agreement establishing the Parliamentary and Institutional Affairs Network. This new network, which shall begin broadcasting on 1 October 1998 - subject to the approval of the CRTC and to the ratification of a final agreement - aims to promote, throughout North America and the West Indies, the democratic institutions of Quebec. Its purpose is to allow other countries to become better acquainted with the National Assembly, its origins, its history and its functioning, and to understand the duties of its 125 Members and the role that they play in the democratic process.

In addition to the proceedings of the National Assembly and committees, the new network will also broadcast the official and protocolary events of the Assembly or of the Government and public interest events such as conventions, seminars, forums, press conferences, Government agency hearings or communiques intended for Members' constituents. Finally, it should be noted that the programme schedule and broadcasting shall be provided by the National Assembly.

On December 9, 1997, the Speaker announced that the National Assembly will be hosting the annual assembly of the Council of State Governments (CSG) from December 2-9, 1999. This will be the first time that the CSG holds a meeting outside of the United States.

The Liberal Member for the riding of Argenteuil, **Régent L. Beaudet**, resigned on December 18. Following his departure, the standings in the National Assembly are as follows: 75 Members of the Parti Québécois; 6 Members of the Québec Liberal Party; 3 Independent Members (1 Member of which is from the Action démocratique du Québec Party); 1 vacant seat.

On February 17, 1998, Prime Minister **Lucien Bouchard** requested that the Speaker take the necessary measures for the National Assembly to meet as a matter of urgency and thus hold extraordinary sittings beginning at 10.00 o'clock a.m., on Wednesday, 18 February 1998, in order to introduce and pass a bill with respect to the reduction in manpower costs in the municipal sector. The summoning was cancelled in the hour preceding the scheduled time for proceedings to begin on Wednesday morning, the Prime Minister having determined that there no longer was an element of urgency regarding this matter since several agreements had been

reached in various municipalities throughout Quebec, especially in the larger ones.

Johanne Lapointe
Secretariat of the Assembly
Translation by Sylvia Ford

Committees

Traditionally, the fall session brings about a period of intense parliamentary activity. The months of November and December were no exception, though there were variations with respect to the orders undertaken by the Committees. Legislative business, which is usually most significant at this time, was not as abundant, since only some thirty bills, including private bills, were given consideration. Several among these, however, required the holding of special consultations. The ice storm which swept down on many Quebec regions obliged the postponement of most of the parliamentary activities scheduled for the month of January.

Pursuant to the *Act Respecting the Accountability of Deputy Ministers and Chief Executive Officers of Public Bodies*, the Committee on Public Administration heard several deputy ministers and chief executive officers of public bodies. This led to the tabling in the Assembly of a report on the conclusions and recommendations following the hearing of deputy ministers and chief executive officers of public bodies with regard to their administrative management. The Committee made several recommendations, more specifically with respect to internal auditing in the Quebec Government. This Committee also held eight sittings for the purpose of examining financial commitments.

The Committee on Culture concluded its general consultation on the five-year report of the Access to Information Commission on the im-

plementation of the *Act Respecting Access to documents held by Public Bodies and the Protection of Personal Information and of the Act Respecting the Protection of Personal Information in the Private Sector*. Furthermore, it held special consultations and public hearings on the report entitled *A Large Library for Quebec*, prepared by a committee which was commissioned to examine the possibilities of establishing such a library. Over thirty organizations were heard on the subject.

For its part, the Committee on Transportation and the Environment examined the orientation, activities and management of the Waste Recovery and Recycling Board, thus carrying out an order of surveillance of public agencies. It also gave clause-by-clause consideration to Bill 179, *An Act to amend the Act Respecting the Conservation and Development of Wildlife*.

The Committee on Social Affairs gave clause-by-clause consideration to Bill 39, *An Act Respecting the Protection of Persons Whose Mental State Presents a Danger to Themselves or to Others*. Public hearings and special consultations had been held with regard to this bill in the spring of 1997. The Committee also studied Bill 176, *An Act to amend the Act Respecting the Ministère de la Santé et des Services sociaux* and the *Act Respecting the Régie de l'assurance-maladie du Québec*.

The Committee on Labour and the Economy gave clause-by-clause consideration to Bill 149, *An Act to Reform the Quebec Pension Plan and to amend Various Legislative Provisions*, as well as to Bill 172, *An Act to amend the Act Respecting Labour Standards*.

The Committee on Public Finance was particularly busy this past fall session. It gave consideration to Bill 164, *An Act to amend the Act to Facilitate the Payment of Support*; Bill 162, *An Act to amend Various Legislative*

Provisions Concerning Retirement; Bill 165, *An Act to amend the Taxation Act*, the *Act Respecting the Ministère du Revenu*, the *Act to Facilitate the Payment of Support and the Act Respecting the Quebec Pension Plan*; and Bill 168, *An Act to amend the Act Respecting the Caisse de dépôt et placement du Québec*. It also examined Bill 161, *An Act to amend the Taxation Act*, the *Act Respecting the Québec Sales Tax and Other Legislative Provisions*. This bill was reported to the Assembly before its clause-by-clause consideration in Committee had been concluded by means of a motion to suspend certain rules of procedure moved by the Government House Leader. The bill provides for, among other things, a 1% sales tax increase on January 1, 1998 as well as new tax measures with respect to the income of tip employees. Furthermore, this Committee held an interpellation on increased control regarding the underground economy.

The Committee on Education examined three important bills. Public hearings and special consultations were held regarding two of these bills, namely Bill 166, *An Act to amend the General and Vocational Colleges Act and Other Legislative Provisions*, and Bill 180, *An Act to amend the Education Act and various legislative provisions*. After several hours of consideration in Committee, Bill 180 was reported to the Assembly before its clause-by-clause consideration had been concluded following a motion moved by the Government House Leader. The consideration of Bill 170, *An Act to amend the Act Respecting Financial Assistance for Students*, was also underway when it too was included in the motion by the Government House Leader to conclude the proceedings of certain Committees. This Committee also held an interpellation on

the situation regarding financial assistance to students in Québec.

The Committee on Planning and the Public Domain examined several bills, certain of which were preceded by special consultations. Among these were Bill 160, *An Act to amend the Act Respecting Safety in Sports and Other Legislative Provisions*, and Bill 173, *An Act to Establish the Special Local Activities Financing Fund and to amend the Act Respecting Municipal Taxation*. The latter, as was the case for Bills 161 and 180, was reported to the Assembly before its clause-by-clause consideration was completed. This Committee also held hearings prior to the clause-by-clause consideration of Bill 175, *An Act to amend Various Legislative Provisions Concerning Municipal Affairs*. Lastly, it gave clause-by-clause consideration to four private bills and to two private members' public bills.

The Committee on Institutions gave clause-by-clause consideration to Bill 163, *An Act to amend the Public Curator Act and Other Legislative Provisions Relating to Property Under the Provisional Administration of the Public Curator*, to Bill 151, *An Act to amend the Courts of Justice Act*, and to Bill 185, *An Act Respecting the Election of the First Commissioners of the New School Boards and amending Various Legislative Provisions*. This Committee also held an interpellation on electoral reform in Quebec.

The Committee on Agriculture, Fisheries and Food gave clause-by-clause consideration to Bill 158, *An Act to Repeal certain Acts Permitting the constitution of Legal Persons in the Agricultural Sector and to amend Various Legislative Provisions*.

Finally, the Committee on the National Assembly held a sitting for the purpose of establishing a schedule in view of the examination of proposals to amend the Standing Orders of the National Assembly.

The first sittings were to be held last January but had to be postponed due to the ice storm.

Line Béland

Clerk of the Committee on Planning and the Public Domain and of the Committee on Transportation and the Environment

Translation by Sylvia Ford
Secretariat of the Assembly



Alberta

The 1st session of the Twenty Fourth Legislature resumed for a brief three-day sitting on December 8, 1997 to consider a motion concurring with the principles embodied in the Calgary Framework. Popularly known as the Calgary Declaration, it is the agreement reached by 9 Premiers and 2 Territorial Leaders in September 1997 which enunciates certain principles meant to guide discussions on national unity. After the September agreement, the government embarked upon a public consultation process to obtain the views of Albertans. The motion introduced by Premier **Ralph Klein** concurring with the principles of the Calgary Framework noted that it was not an amendment to the Constitution as any constitutional amendment would require the approval of Albertans in accordance with the *Constitutional Referendum Act*. The

motion was agreed to unanimously on December 10.

In accordance with an agreement reached between the three parties represented in the Assembly, unanimous consent was given to suspend certain Standing Orders so that the "National Unity" motion was the only matter of business before the House after the daily routine each day.

The second session commenced on January 27, 1998 with the reading of the Speech from the Throne by the Lieutenant Governor, **H. A. (Bud) Olson**. A major theme of the Throne Speech was reinvestment. A primary focus for reinvestment is to be education for which it was announced that expenditures would increase 13 percent over the next three years. Increases were also announced for health care, social services and advanced education. It was also announced that for the next three years, the Government will direct the first \$1 billion of any annual surplus to pay down the provincial debt, the next \$250 million to one-time initiatives in Albertans' priority areas with any remaining surplus going to pay down the debt.

Prior to the start of session, the Government House Leader and Minister of Justice and Attorney General, **Jon Havelock**, announced 41 Bills that the Government planned to introduce during the session.

Bill 1, *Protection of Children involved in Prostitution Act*, was introduced by the Premier on the opening day. The Bill complements the *Child Welfare Act* by providing that children under the age of 18 years involved in prostitution are to be treated as victims of sexual abuse. The Bill enables police officers to apprehend children involved in prostitution and creates a mechanism to place them in care. At Committee of the Whole, amend-

ments proposed by the government and the official opposition to the Bill were accepted. It was given Royal Assent on February 26, 1998. Bill 2, *Conflicts of Interest Amendment Act, 1998*, amends the legislation in respect to the reporting requirements of Members of the Legislative Assembly. The Bill is based on the recommendations of the Report of the Conflicts of Interest Review Panel. Bill 13, *Alberta Personal Property Bill of Rights*, provides that provincial enactments authorizing the acquisition of permanent title to tangible personal property are of no force or effect unless a process exists for compensation. The Bill contains certain exemptions to the principle.

On February 12, 1998, the Provincial Treasurer, **Stockwell Day**, presented Budget 98 in the Legislative Assembly. Some of the highlights of the Budget are:

- Tax rates for Alberta taxpayers will decrease by 1.5 percentage points from 45.5 per cent of federal tax to 44 per cent effective January 1, 1998.
- Spending on programs will increase in 1998-99 by 3 per cent to a total of \$13.9 billion. Total spending, including debt servicing costs, will increase to just under \$15 billion.
- Primarily owing to lower energy prices, (projected at US \$17.50 per barrel of oil, Cdn. \$ 1.70 per thousand cubic feet of natural gas) provincial revenues are projected to decline by \$1.5 billion to a total of \$15.2 billion. The surplus for 1998-99 is projected to be \$165 million.
- The surplus for 1997-98 is forecast to be approximately \$2.2 billion.
- Spending on Education will increase by 5.7 per cent to a total of \$3.2 billion. Spending on Advanced Education and Career Development will increase by 3.1 per cent to \$1.2 billion and

spending on Health will increase by 4.8 per cent to \$4.2 billion.

- The maximum payment under the Alberta Family Employment Tax Credit will double to \$1,000 a year for a family with two children earning between \$19,000 to \$25,000. The tax credit for one-income families earning \$30,000 with two children will rise from \$300 to \$800.

In other developments, **Gerrald Gwynn Scott Sutton** was recommended to be Alberta's 6th Ombudsman by the Select Special Ombudsman Search Committee chaired by **Paul Langevin**, MLA for Lac La Biche - St. Paul. He was appointed Ombudsman effective April 1, 1998 by the Lieutenant Governor in Council. Mr. Sutton served with the RCMP for 32 years where he held a number of positions. On February 23, 1998, the Assembly passed a motion confirming Mr. Sutton's appointment.

At the invitation of Speaker **Ken Kowalski**, and in anticipation of Alberta officially being accepted as an Associate Member of the *Assemblée internationale des parlementaires de langue française (AIPLF)*, the Section Presidents of the America Region held their spring meeting in Edmonton on March 9. The America Region of the AIPLF brings together parliamentarians from Canada, Haïti, Louisiana, Maine, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Québec and Saint Lucia. Members of the Alberta Legislative Assembly will have an opportunity to meet the Section Presidents at a luncheon hosted by Speaker Kowalski and at a dinner hosted by the AIPLF where they were joined by representatives of the Alberta francophone community.

Robert Reynolds
Senior Parliamentary Counsel



Ontario

After a recess that followed a particularly eventful spring and summer sitting of the Ontario Legislature, the House resumed in late Fall for a final sitting leading to the prorogation of the 1st Session of the 36th Parliament.

First among the orders of business was the introduction by the Minister of Labour, **Jim Flaherty**, of a bill that provided compensation to the parents of children who were unable to attend school (or a day-care facility within a school) as a result of the 10-day province-wide withdrawal of services by Ontario's 126,000 teachers in November. The bill made provision for parents to claim up to \$40 per day for each day of the strike, to be paid by school boards from the payroll and other savings that were realized during the work stoppage. Later press reports indicated that on the order of 70% of eligible Ontario families filed claims of up to the maximum \$400.

During the work stoppage, the government took out advertisements to communicate directly to the public its side of the dispute over education reform. Some Members of the Assembly took issue with the ads, considering them inappropriately partisan and alleging that they represented an abuse of public funds.

A point of privilege on this matter was raised in the House, and the

Speaker, **Chris Stockwell**, was again called upon to rule on the issue of government advertising. After reviewing the ads, the Speaker ruled, in part, that "the ads may represent an aggressive challenge to opposing views put forward by others, but I do not believe they caused any of us to come here without the uncontested ability to continue the debate on this issue, nor can it be argued that the respect due to this House is diminished by the wording of the ads. Therefore I find that a *prima facie* case of privilege has not been made out."

In closing, however, the Speaker reiterated the concern he had expressed on a number of previous occasions about the tone and propriety of similar government ads, and strongly urged "this and any future government to consider the power and influence that they wield when they send their messages to the broad public."

The strike itself, mentioned above, occurred as a result of concerns by teachers about the scope and nature of changes to the provinces' education system proposed in Bill 160, the *Education Quality Improvement Act*, which was returned to the House following public hearings by the Standing Committee on Administration of Justice, chaired by **Gerry Martiniuk** (PC/Cambridge). The bill represented a significant re-organization of the provinces' education system, addressing education governance, finance and labour relations; class sizes; province-wide standards and outcomes testing.

In the final weeks of the 1st Session, the House gave third reading to a number of bills that were significant elements of the **Mike Harris** government's reform agenda:

- the *Services Improvement Act* concerned the realignment of welfare and public education

funding between the province and municipalities

- the *Fair Municipal Finance Act* instituted an Actual Value Assessment system for property taxes, based on the market value of properties on June 30, 1996
- the *Development Charges Act*, which made provision for the recovery of the costs of public infrastructure in new development

A number of other bills designed to reduce duplication and red tape and to streamline processes in a number of government ministries were adopted.

An interesting procedural occurrence transpired concerning a motion by the Government House Leader that provided for the House to meet beyond the parliamentary calendar for one additional week. On the last day of the normal meeting schedule of the House, the motion to extend the calendar was debated. When the question was put on the motion, a recorded division was called. During the ringing of the division bells, the Chief Whip of the New Democratic Party filed a request under the *Standing Orders* for the vote to be deferred to the next Sessional day. The Speaker accordingly deferred the vote and the House continued with other business. However, since the calendar motion had not passed, the next regular sessional day lay far ahead in March of 1998, an obvious defeat of the government's desire for the House to continue meeting in December.

Later the same day, the Speaker received an Order-in-Council causing him to reconvene the House on the following Monday for the transaction of public business. When the House did meet on that day, it conducted the deferred vote on the House calendar extension motion, which passed, and the Assembly met one additional week. On De-

cember 18, 1997, Her Honour the Lieutenant-Governor, **Hilary M. Weston**, attended in the legislative Chamber to give the Royal Assent to 16 bills and to deliver the prorogation speech. No specific date for the commencement of the 2nd Session of the 36th Parliament was announced, but the House is widely expected to reconvene following the Easter break.

Todd Decker

Clerk of Journals and
Procedural Research

Committees

The committees of the Ontario Legislature were kept busy during the fall session and of note was the tabling of the following committee reports.

The Select Committee on Ontario Hydro Nuclear Affairs completed its investigation of Ontario Hydro's nuclear operations and tabled its report in mid-December. The Committee's deliberations included visits to the Darlington, Pickering and Bruce nuclear power developments as well as two days of public hearings in those regions.

The Standing Committee on Social Development tabled its report entitled "The Impact of the Conservative Government's Funding Cuts on Children and Children's Services in the Province of Ontario", which included recommendations for improving the current system of children's services.

The Standing Committee on Estimates completed its review of selected ministries and offices, which included the Office of Premier, in mid-November.

During the winter recess, the 1997 Annual Report of the Provincial Auditor was considered by the Standing Committee on Public Accounts while the Standing Committee on Finance and Economic

Affairs conducted two weeks of pre-budget consultations and prepared its report. Bill 146, *An Act to protect Farming and Food Production*, which addresses the potential for conflict between the production techniques of farmers and neighboring non-farm residents; was considered by the Standing Committee on Resources Development. The Committee traveled to Belleville and Guelph and utilized video-conferencing to hear from New Liskeard.

Viktor Kaczkowski

Committee Clerk



British Columbia

On February 10th, 1998, the province's beautiful Parliament Buildings were centre stage for a celebration marking their 100th anniversary. The first session in the new buildings was held February 10th, 1898, following five years of construction to replace the outmoded wooden buildings known as the "birdcages". A special one-day legislative session was held to mark the centenary, during which reflections were offered on the province's political history, and a bill was passed recognizing the Ex-MLA's Association of British Columbia.

Following the session, the buildings were opened to the public, including areas usually restricted such as the cabinet chambers. The

estimated 4,000 people who thronged through the buildings during the afternoon were treated to information displays, musical entertainment, and staff dressed in period costumes. An interactive web-site will be launched in April to provide on-going information about the buildings and their history.

Cabinet Shuffle

On February 18, Premier **Glen Clark** announced a major cabinet shuffle. The number of portfolios increased by three to nineteen, with the separation of previously-amalgamated ministries. There is now a separate fisheries ministry, headed by **Dennis Streifel**. The province's new Minister of Finance is **Joy MacPhail**, previously Minister of Health. Her predecessor in finance, **Andrew Petter**, moves to Advanced Education, Skills and Training. Deputy Premier **Dan Miller** relinquishes his Employment and Investment portfolio, but takes over a new ministry of Northern Development and Mines.

Three new faces appear at the cabinet table. They are **Ian Waddell** (Small Business, Tourism and Culture), **Jenny Kwan** (Municipal Affairs), and **Harry Lali** (Transportation and Highways). As well, former Speaker **Dale Lovick** moves to become Minister of Aboriginal Affairs. Former Aboriginal Affairs minister **John Cashore** is no longer part of cabinet, having indicated his intention to retire at the end of the current Parliament. In all, only six ministers remained in their previous portfolios.

Legislative Committees

Several committees have continued their work through the winter. The Special Committee to Appoint a Police Complaint Commissioner is-

sued its report on February 19. It recommended the appointment of **Don Morrison** to become the province's first independent Police Complaint Commissioner. This new post was created as part of amendments to the *Police Act* last summer, following a report by Justice **Wallace Oppal** into policing in the province. Mr. Morrison is a senior Crown counsel in Victoria, and has worked previously as a teacher, social worker and consultant. His job will be to monitor a new process for complaints by the public against municipal police officers.

The Special Committee to review the *Freedom of Information and Protection of Privacy Act* has received written submissions and held a number of public hearings. The Committee is undertaking a comprehensive review of the Act, which provides information and privacy rights to citizens of British Columbia. The Act applies to the provincial public sector, including government ministries and Crown corporations, municipalities, schools, universities and a range of other designated public agencies.

The Parliamentary Reform Committee continues its review of the *Members' Conflict of Interest Act*. It too has received a number of submissions, and has met with representatives of municipalities, provincial government employees, the current Members' Conflict of Interest Commissioner and others. A number of issues have been brought before the Committee, including the possibility of extending conflict of interest laws to senior civil servants and municipal officials, and extending the scope of the *Members' Conflict of Interest Act* to include an "honesty and integrity" provision.

Recall of the House

The 3rd session of the 36th Parliament is scheduled to begin in late

March. When it does, the first order of business will be the election of a new Speaker, following the departure of **Dale Lovick** for the cabinet ranks.

Neil Reimer
Committee Clerk



Saskatchewan

The bulk of attention this past fall on the Saskatchewan political scene has centered on the Calgary Declaration and the public consultations emanating from it. Under an all-party programme entitled "Saskatchewan: Finding Common Ground on Canada's Future", a comprehensive series of initiatives were developed to both inform the province's citizens on the principles of the declaration while at the same time seek their input into the process.

An Internet web site and 1-800 number were launched in October and were followed by a brochure mailed out to all households. 8,200 citizens answered a questionnaire on the unity proposals. Over 7,400 individuals attended the 160 face-to-face meetings held around the province. An MLA and a citizen co-chair chaired each meeting. The results of the public consultation process were compiled into a report released by the Canada West Foundation, a non-partisan, non-profit, research organisation specialising in economic and public policy studies. Finally at the end of November, a televised conference was held in

Saskatoon. The conference brought together MLAs, citizen co-chairs and independent experts to discuss the ideas and concerns articulated by the public over the six week consultation process.

1997 Fall Session

The positive results of the unity consultations and conference led to the desire in having the Legislative Assembly adopt a resolution in support of the Calgary Declaration. Accordingly, the Assembly was recalled for the week of December 15th to 19th, 1997. The brief session marked the first appearance by the Saskatchewan Party in the Chamber after the shifts in party membership amongst opposition MLAs the previous August.

The fall session was noteworthy also for the negotiations that resulted in a highly structured week of motions. Pursuant to a motion adopted on the opening day, it was agreed that routine proceedings would take place each day but that Government Orders were to be superseded by opposition motions except on the regular Private Members' Day on Tuesday. On that day, the so-named Unity Resolution was moved by the Premier and seconded by the Leader of the Opposition. One representative from each of the government, the Official Opposition, the Third Party was granted 30, 20 and 20 minutes respectively in which to make their remarks. The three Independents were granted a total of 15 minutes. Fifteen minutes before the normal time of adjournment, the Speaker interrupted to put the question. The goal of unanimously adopting the principles of the Calgary Declaration by the members of the Saskatchewan Assembly was achieved.

Each of the remaining four days of the special sitting consisted of

three timed debates moved in rotation by the opposition parties and independent members. Debate on Official Opposition motions was restricted to 60 minutes, Third Party motions were 45 minutes in duration while motions moved by an independent member lasted only 25 minutes. Each group was accorded priority on at least one day and all ended in a vote.

New Clocks in the Chamber

Two new clocks have been installed in the Chamber, discreetly fitting into the corner alcoves nearest to the Chair that house the television cameras. Their presence is so unobtrusive that many members failed to notice them in the December sitting! The 24-hour clock receives its signal from the broadcasting equipment and can be manipulated by a timer located at the Table.

With the advent of this new "technology", the Speaker was left to decide what information should be displayed on the clocks. The Saskatchewan Assembly still has the luxury of unlimited debate and most deliberations are not timed. The exceptions are Statements by Members, Oral Questions and the biweekly 75-minute Private Members' Debate. To date, only the time of day and the countdown of division bells are displayed.

1998 Session

On the morning of March 9th, 1998, the Second Session of the 23rd Legislature was prorogued. The delivery of the Throne Speech by Lieutenant Governor **John E.N. Wiebe** later that afternoon opened the Third Session. Finance Minister **Eric Cline** was scheduled to deliver his first budget on March 19th.

Meta Woods
Clerk Assistant



House of Commons

On February 4, 1998, the House passed a motion to increase the number of votable motions, Standing Order 81(16) notwithstanding. The result of the motion was to bring to seven the total number of votable opposition motions during the combined periods ending March 26 and June 23, 1998.

On February 13, the Standing Committee on Procedure and House Affairs tabled its 22nd Report. The Report proposed a number of amendments to the Standing Orders with respect to the operations of joint committees.

On March 10, the House passed a motion amending Standing Order 95(2). The new version of the Standing Order recognizes the practice of "right of reply" during consideration of a non-votable item of Private Members' Business. The Member moving the item of business may speak a second time for not more than five minutes and thereby conclude the debate.

Privilege

On February 4, 1998, **Lee Morrison** (Cypress Hills--Grasslands) rose on a point of order regarding Bill S-4, *An Act to amend the Canada Shipping Act (maritime liability)*. According to Mr Morrison, the Bill violated Standing Order 80, under which "[a]ll aids and supplies granted to

the Sovereign by the Parliament of Canada are the sole gift of the House of Commons [and] not alterable by the Senate". Mr Morrison concluded by suggesting that a decision by Speaker Lamoureux in June 1973 supported his stance.

The Speaker handed down his ruling on February 12. Citing Erskine May, he noted that even if a bill appears to entail expenditure, or an increase in expenditure, it is possible that the power to incur expenditure may already be covered "by general powers conferred by statute". This, in the Speaker's view, applied in the case of Bill S-4.

On February 19, **Lorne Nystrom** (Qu'Appelle), saying he was "shocked by the government across the way introducing more and more legislation from the Senate", moved an adjournment motion at Second Reading in the House of Bill S-4, as a "protest". The question was put immediately and the motion was defeated.

On February 26, **Michel Gauthier** (Roberval) rose on a point of order regarding the conduct of certain Members who, he claimed, had used the Canadian flag and the National Anthem "in a demonstration aimed at causing disorder, preventing [a fellow Member] from exercising the right to speak and disregarding the Speaker's orders" when a Bloc Québécois Member was getting ready to speak. On March 9, before the Speaker had handed down a decision on Mr Gauthier's point of order, **Peter Mackay** (Pictou--Antigonish--Guysborough) raised a question of privilege regarding statements attributed to certain Members in an article appearing in the March 8 edition of the *Ottawa Sun*. In Mr Mackay's opinion, the statements as

quoted constituted "an overt and outrageous attempt to intimidate...the Speaker of this House and collectively the House itself". After giving the Members an opportunity to clarify the situation, the Speaker declared that he found a prima facie case and asked Mr Mackay to move referral of the matter to the Standing Committee on Procedure and House Affairs. The question was put to the House on March 10 and the motion passed. The Speaker has not yet ruled on Mr Gauthier's point of order.

Government Bills

As of March 11, 1998, eight Bills had received Royal Assent:

- C-2, the *Canada Pension Plan Investment Board Act*
- C-10, the *Income Tax Conventions Implementation Act, 1997*
- C-11, *An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof*
- C-13, *An Act to amend the Parliament of Canada Act*
- C-16, *An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)*
- C-22, the *Anti-Personnel Mines Convention Implementation Act*
- C-23, the *Appropriation Act No. 2, 1997-98*
- C-24, the *Postal Services Continuation Act, 1997*

Miscellaneous

On two occasions in February, the House debated matters of current interest. It should be noted, however, that these were neither emergency debates nor motions calling upon the government to consider a particular matter. On February 4, as part of the adjournment proceedings, Members had an opportunity to debate the ice storm crisis for more than seven hours. Several days later, on February 9, the same procedure was used to allow Members to debate the government's position on Canadian participation in the event of a possible conflict in Iraq.

The House passed two resolutions amending the Constitution, on November 18 and December 9, 1997. By amending section 93 of the Constitution as it applies to Quebec and Term 17 of the Newfoundland Terms of Union with Canada, these resolutions made it possible for Quebec and Newfoundland to de-confessionalize their school boards. Parallel with the process for adopting the two motions, two special joint committees were struck to enable interested parties to voice their concerns.

Paul Martin (Minister of Finance) tabled the first budget of the 36th Parliament on February 24, 1998. On February 26, the second day of debate on the budget policy, the House met at 8:30 a.m. rather than the 10:00 a.m. stipulated in the *Standing Orders*, and adjourned earlier than usual. The motion "that this House approves in general the budgetary policy of the Government" was agreed to on March 10.

Patrice Martin
Procedural Clerk
Journals Branch