
Legislative Reports



Alberta

Since the signing of the Memorandum of Agreement by the Government and Opposition House Leaders following the 1993 provincial general election, there have been two sittings of the Assembly each year: one commencing before February 15, and the other commencing before October 21. This year the adjournment period was shorter than usual as the Assembly adjourned on May 23, and reconvened on August 14, 1996. This summer sitting was, however, quite short as the Assembly adjourned late on August 27, 1996. As a result of the August sitting, the Assembly was not reconvened in October.

Electoral Boundaries

A major reason for the early sitting was to give effect to the recommendations contained in the June 21, 1996 final report of the Electoral Boundaries Commission which was chaired by Edward R. Wachowich, Chief Judge of the Provincial Court of Alberta. After the Commission members were appointed on June 28, 1995, the Commission held two rounds of public hearings throughout the province and produced an

interim report. The Commission recommended the addition of one electoral division in Edmonton and one in Calgary. To offset the addition of these two constituencies (the total number of seats had to remain at 83), the Commission recommended that the southern Alberta electoral division of Cardston-Chief Mountain be merged with surrounding constituencies. It also recommended that the electoral division of Chinook in eastern Alberta be amalgamated with surrounding constituencies. The Commission also proposed several boundary changes to existing constituencies.

Bill 46, the *Electoral Divisions Act*, was introduced in the Assembly on August 14, 1996 by Brian Evans, Minister of Justice and Attorney General. The Bill mirrored the recommendations of the Electoral Boundaries Commission. Although several Members of the Legislative Assembly expressed serious concerns with the Bill, notably that it reduced representation from rural Alberta, there were no substantive amendments to the proposed electoral divisions. The only amendments to the Bill concerned name changes for certain electoral divisions. The Bill passed third reading on August 27, 1996 and comes into force on proclamation.

Government Legislation

During the brief summer sitting, the Government brought forward Supplementary Estimates which were considered and approved by the

Committee of Supply. One item in the Supplementary Estimates was an additional \$20 million for the Department of Health. Apart from Bill 46 and the *Appropriation (Supplementary Supply) Act* there were two Government Bills introduced during the summer sitting; Bill 49, *Gas Utilities Amendment Act, 1996* and Bill 47, *Reinvestment Act*. Bill 47 amended the *Balanced Budget and Debt Retirement Act* by accelerating the paydown of Alberta's net debt to eliminate it by 2010, created a Family Tax Credit and reduced tax rates for aviation and railway fuel. Both Bills were passed before the Assembly adjourned.

The Assembly also passed two Government Bills that were held over from the spring sitting; Bill 41, *Water Act*, and Bill 44, *Motor Vehicle Accident Claims Amendment Act*.

Private Member's Business

In the September 1993 amendments to the Standing Orders, a new procedure was adopted for considering Private Members' Bills. Now, each Bill must receive 120 minutes of debate at second reading and in Committee of the Whole, unless the relevant vote occurs sooner. A Private Member's Bill must be called in Committee of the Whole within 8 sitting days after it receives second reading. If the Bill is reported by the Committee of the Whole, it is to be moved for third reading within 4 sitting days, at which time it is to receive 60 minutes of debate unless it is voted upon sooner. The first Private Member's Bill proposed by

an Opposition member to receive second reading was **Alice Hanson's** Bill 216, *Victims of Domestic Violence Act* which received second reading on May 15, 1996. The Bill would create additional legal remedies for persons complaining of domestic abuse.

As the Assembly adjourned on May 23, 1996, the Bill was not called in Committee of the Whole until August 21, 1996. The sponsor proposed several amendments to the Bill in the Committee of the Whole. After some debate, **Jocelyn Burgener** (PC MLA, Calgary Currie) moved that "the Chairman do now leave the Chair" which, under Alberta's Standing Order 64, is always in order and is to be decided without debate. The motion was agreed to, therefore the Committee did not make a report and the Bill was dropped from the Order Paper. The seldom used procedural measure received considerable media attention and was the subject of a point of order by the Opposition House Leader on August 22, 1996. While the Deputy Speaker was reluctant to comment on proceedings in Committee of the Whole, he indicated that the Bill was properly removed from the Order Paper in keeping with parliamentary practice.

Tablings

Alberta's Legislative Assembly has always been very permissive with respect to tablings. The time for tablings occurs in the Daily Routine before Question Period. The Official Opposition used the procedure on August 14 and 15, 1996 to table over 100 documents on the two days. The Deputy Speaker, **Don Tannas**, intervened numerous times to remind Members that no statements were allowed when tabling documents except for a brief description of the document. In response to a point of order raised by

Stan Woloshyn, Minister of Public Works, Supply and Services, the Deputy Speaker ruled on August 20, 1996 that some of the tablings were "no more than typed messages." He ruled that the practice should not be allowed to continue. He admonished Members for tabling documents more than once and indicated that correspondence tabled must be signed and dated. For the remainder of the sitting, the volume of tablings decreased considerably.

Comings and Goings

On October 5, 1996, **Stan Schumacher**, Speaker of the Assembly, announced that he would not be seeking re-election in the next provincial election. The Speaker's constituency of Drumheller had been merged with the riding of Chinook under the *Electoral Divisions Act*. Mr. Schumacher was elected Speaker on August 30, 1993. He is the first Alberta Speaker to be elected by secret ballot of the Members. He has served as MLA for Drumheller since the 1986 provincial general election. Prior to being elected to the Alberta Legislative Assembly, he was a Member of Parliament from 1968-1979 for the constituency of Palliser.

Several members of the Cabinet have also recently announced that they will not be seeking re-election. They are: **Jim Dinning**, Provincial Treasurer, **Brian Evans**, Minister of Justice and Attorney General, **Ken Rostad**, Minister of Federal and Intergovernmental Affairs, **Jack Ady**, Minister of Advanced Education and Career Development, and **Dianne Mirosh**, Minister responsible for Science and Research.

Prior to the summer sitting, **Mary Anne Balsillie** was sworn-in as the Member for Redwater. She won a May 21, 1996 by-election which was necessitated by the resignation of

Nick Taylor who was called to the Senate on March 7, 1996.

Robert Reynolds
Parliamentary Counsel



Northwest Territories

Members of the Thirteenth Assembly reconvened in Yellowknife on October 2 to hear Premier **Don Morin** say that the government was on track to meet its overall budget target of a \$43 million deficit for the 1996-97 fiscal year.

Mr. Morin said securing the Northwest Territories financial future was the primary focus of the government. He said although many of the decisions they have made are not popular that it was important to stay on course to build a strong foundation for the future.

He also said the government and ordinary Members have to work together to develop a more effective and efficient government and at the same time securing a stronger economic future for people of the Northwest Territories.

MLAs echoed the theme of Mr. Morin's comments about working together. After the opening three days of Session were dominated by questions regarding Cabinet's decision to reallocate capital spending, MLAs passed a motion of censure against Cabinet. Members said Cabinet should have consulted with ordinary MLAs before moving spending for capital projects in the middle of a fiscal year.

Another motion also called on Cabinet to develop and adopt a policy by November 1, 1996 that ensures any new capital projects over \$250,000 not in the capital expenditures for that fiscal year could not proceed without consulting MLAs and Standing Committees.

Other highlights of the abbreviated Session included an announcement by Resources, Wildlife and Economic Development Minister **Stephen Kakfwi** that the territorial government had signed a socio-economic deal with Broken Hill Proprietary Co. Ltd. (BHP). The company has received approval to proceed with Canada's first diamond mine, which will be located 310 kilometers northeast of Yellowknife.

Mr. Kakfwi said the deal will ensure that people of the North have access to training, employment and business opportunities associated with the diamond mine.

Aboriginal Affairs Minister **Jim Antoine** also tabled a draft constitutional document for the new western Territory entitled: *Partners in a New Beginning*. He said it is hoped the package – which outlines a proposal for a new government structure bringing together public government and aboriginal self-government – will stimulate public discussion in the new western Territory on what people want to see in a constitution prior to implementing Division in 1999.

Legislation

Five bills were considered and received Royal Assent during the October Session including:

- *Electoral Boundaries Commission Act*: provides for the establishment of two electoral boundaries commissions to review the existing electoral boundaries that will comprise

Nunavut and the new western Territory respectively.

- *An Act to Amend the Access to Information and Protection of Privacy Act*: provides that the term of an Interim and Privacy Commissioner appointed before March 31, 1999, expires on March 31, 1999. The Bill repeals a provision that deems employees of the Office of the Information and Privacy Commissioner to be members of the public service, and also repeals a provision requiring that the directory produced under the Act contain a general description of the various categories of records controlled by public bodies.
- *Supplementary Appropriation Act No. 1, 1996-97*: makes supplementary appropriations for the Government of the Northwest Territories for the fiscal year ending March 31, 1997.
- *An Act to Amend the Public Trustee Act*: provides that excess interest earned by the investment of the common fund will be paid into the Consolidated Revenue Fund, rather than into a special reserve fund.
- *Business Corporations Act*: replaces the *Companies Act* and the *Companies Winding-Up Act*, which will continue in force until March 31, 1999 to afford existing companies an orderly transition to the new regime.

Committee Activity

Two weeks of Committee meetings, consisting mostly of reviews of departmental business plans for the 1997-98 fiscal year, followed the prorogation of the Third Session.

The next session which is expected to continue into the New Year, will be dominated with discussion on constitutional development in the two new territories, Nunavut and the new western Territory, following Division of the Northwest Territories in 1999.

Ronna S. Bremer
Public Relations Officer



ASSEMBLÉE NATIONALE

A significant event marked the beginning of autumn when, on 2 October 1996, the former Premier of Québec, **Robert Bourassa**, passed away after having waged with great courage an unyielding battle against cancer.

Over the twenty-five year span of his political career, Mr. Bourassa was to become the youngest Premier in the history of Québec, having been elected to this office for the first time in April 1970, at the age of 36. He had already been sitting as a Member of the National Assembly for four years when he was chosen to be Leader of the Québec Liberal Party a few months prior to his party taking power. He remained Premier until 1976.

Over and above the duties and functions of Premier and of chairman of the Executive Council, he also held, at that time, the offices of Minister of Finance and of Minister of Intergovernmental Affairs.

After having begun, in November 1976, a period dedicated to study and reflection, during which he was guest professor and lecturer in Québec as well as abroad, namely in the United States, in France and in Belgium, Mr. Bourassa made a comeback on the political scene in 1983 by being chosen a second time to lead his party. Following a June 1985 by-election, he once again took a seat in the National Assembly, this time as Leader of the Official Opposition. The Liberal Party regained power in 2 December of the following year and Mr. Bourassa

served as Premier without interruption until his retirement from political life early in 1994.

Having written several works, notably on energy in the North, his name remains closely linked to the development of hydroelectric power in the James Bay Region. In order to underline his accomplishments in this important sector, the National Assembly, upon resumption of its proceedings on October 15, carried a motion, which was jointly moved by Premier Lucien Bouchard and Official Opposition Leader Daniel Johnson, recommending that the main facilities of the LG-2 Site henceforth bear his name. Moreover, this sitting was dedicated exclusively to paying a final tribute to the former Premier.

Regarding legislation, close to forty public and private bills were introduced in the Assembly for possible passage before the adjournment for the holidays, whereas a certain number of bills previously introduced remain on the *Order Paper*. Amongst the latter, it should be noted that a bill on pay equity, which was the object of a special consultation, is currently undergoing clause-by-clause consideration in parliamentary committee. This bill is designed to eliminate the salary gap due to the systemic gender discrimination suffered by persons occupying positions in predominantly female job classes.

In order to translate into action its desire to help the populations from the recognized disaster-stricken regions following the torrential rains that occurred in Québec in July 1996, the Government introduced a bill to establish a disaster assistance fund. The clause-by-clause consideration of this bill has been completed.

It should also be mentioned that a bill providing for the elimination of the budgetary deficit of the Government by the year 2000 and for the maintenance of a balanced budget

thereafter has been passed in principle.

Since the resumption of proceedings in October, a limited number of procedural questions have been raised. On two occasions, however, an amendment by the Government to a motion moved during Business Standing in the Name of Members in Opposition was ruled out of order by the Chair on the grounds that, in both cases, the amendment introduced a principle that was not included in the main motion.

Within the framework of a parliamentary reform project, the Speaker of the National Assembly, Jean-Pierre Charbonneau, tabled in the House a document containing proposals for a first stage of the reform concerning the timetable and calendar of the Assembly and of the parliamentary committees.

In November, several events marked the one hundred and twenty-fifth anniversary of the Québec parliamentary Press Gallery: one was the publishing of a collection of anecdotes; another the unveiling of a monument located near the building where the ninety-odd members of this association, one of the oldest press organizations in the world, have their offices.

During this same period, six Members of the Parti Québécois celebrated their twentieth anniversary of uninterrupted political life. On the other hand, the senior Member of the Assembly, the Liberal Member for Mont-Royal, John Ciacia, has been sitting as a Member since 1973. The Members to whom tribute was paid are: Jacques Brassard, Guy Chevrette, Jean Garon, François Gendron, Jean-Pierre Jolivet and Denis Perron.

Furthermore, Jean-Louis Roux, who had been sworn in as Lieutenant-Governor of Québec on 12 September 1996, resigned from this office on 5 November 1996.

Finally, the Secretariat of the Assembly has just recently published the bound volume of the Votes and Proceedings of the National Assembly, in both French and English, for the period covering the 1st Session of the 35th Legislature, that is, from 29 November 1994 to 12 March 1996.

Moreover, for the computer proponents, the *Votes and Proceedings* as well as the *Order Paper* of the Assembly, published in French and in English, are now available on the Internet, thus allowing for rapid access by a greater number of clients.

Nancy Ford
National Assembly Secretariat
Translated by Sylvia Ford

Committee activities

In keeping with its Standing Orders, the National Assembly adjourned from June 19 to October 14. The intervening period has traditionally been used by Members, at least in the last twelve years or so, to engage in Committee work after a few days' holiday or constituency work, allowing the parliamentary committees, beginning in August, to undertake various tasks and carry out mandates on their own initiative while activities in the House are suspended.

The summer and early autumn of 1996 were no exception, and indeed the volume and intensity of committee activities were unusually high. Between August and November, the committees carried out eight detailed examinations, five public consultations, four special consultations, five examinations of financial commitments, six examinations of public agencies and eight working sessions. In all, thirty-six mandates, fourteen referred by the Assembly and twenty-two undertaken on committee initiative, led to

the holding of eighty committee sittings. An overview of these mandates follows.

The Committee on Planning and Infrastructures examined two public bills concerning municipal finances and the environment, and three private bills concerning municipalities. The committee also devoted two sittings to hearing the Deputy Minister of Transport, and six sittings to a public hearing on a bill to amend the *Highway Safety Code*.

The Committee on the National Assembly met in a working session devoted to a detailed proposal for a reform of the National Assembly's standing orders presented by Speaker, Jean-Pierre Charbonneau. The proposal addressed the question of *scheduling in the House and in committees*, especially the hours and dates of sittings, time limits on speeches, and the organization of certain types of proceedings. The proposed reform would abolish the regular evening sittings that are still a feature of the Quebec parliamentary system. The Committee agreed to set up a task force of Members and advisors to consider the issues. The proposal presented by Mr Charbonneau includes three further topics namely the operation of the Assembly and its committees, major parliamentary processes and the composition of the Assembly and the status of its members. A working document giving a more detailed account of each of the three topics will be presented in the spring of 1997.

The Committee on agriculture, fisheries and food completed a mandate, undertaken on its own initiative, to study the marketing of sports fishing products in the Lake St. Pierre region, while the Committee on Social Affairs held two special consultations, the first to study the setting of child sup-

port payments and the other to examine Bill 35, *An Act respecting pay equity*, a bill that attracted considerable attention during the preceding parliamentary session. The Committee on Social Affairs also held six sittings devoted to public hearings on a reform of the Québec Pension Plan.

The Committee on the Budget and Administration began its work in September. It examined the first part of the Auditor General's report, the activities of the public works agency known as the *Société immobilière du Québec*, and a bill to amend the *Taxation Act*. In late September it studied the five-year report on the implementation of the *Act respecting market intermediaries*. The Committee on Culture held a first series of public hearings on Bill 40, *An Act to amend the Charter of the French Language*, and another on issues surrounding the development of Quebec's information highway, spread over ten sittings. This mandate, undertaken on the committee's own initiative, involved the production of a consultation document that was made available on the Assembly's web site: (www.assnat.qc.ca).

The Committee on Education also held a series of public hearings, on its own initiative, on the conditions governing the successful completion of secondary-school studies.

After examining certain financial commitments, the Committee on the Economy and Labour elected to scrutinize the activities Hydro-Québec under its powers of supervision of government agencies. Preparatory work for this mandate is currently in progress and the examination will begin soon. The Committee on Institutions also acted to supervise the work of government agencies and their administrators when it heard the Deputy Minister of Jus-

tice and the directors of the Coroner's Office and the alcohol, racing and gambling board known as the *Régie des alcools, des courses et des jeux*. It also completed an examination of Bill 130, *An Act respecting administrative justice*, and held public hearings on the draft bill for the implementation of the latter Act.

C.A. Comeau
Secretary of the Committee on
Education
Committee Secretariat



When the House resumed sitting on September 16, Jack Ramsay raised a question of privilege concerning the decision of the Standing Committee on Justice and Legal Affairs not to report John Nunziata's Bill C-234 to the House after considering it and defeating every clause. When he came back to the House with his ruling on September 23, the Speaker characterized this question not as a matter of privilege but as a "substantive grievance".

He pointed out that there was a remedy available to the House since a member could give notice of a motion to require a committee to report a bill by a certain date, and that motion could be moved during Routine Proceedings under the heading "Motions".

Notice of such a motion was given by Mr. Ramsay on October 24, after his motion to report the private Member's bill was de-

feated in the Justice Committee. When Mr. Ramsay moved his motion under Routine Proceedings on November 4, the Government raised a point of order questioning whether this motion could be moved at that time. The Speaker reserved his decision and directed that the motion retain its place on the Order Paper until the Chair ruled on the matter.

On October 22 **Myron Thompson** rose on a point of order to complain that he had been refused permission to give notice of a motion at a committee meeting. Mr. Thompson was on the list of associate members of the Standing Committee on Justice and Legal Affairs and had, in that capacity, been named a substitute member at the October 21 meeting. The Committee has an internal 48-hour notice requirement for new items of business, and the Chair had refused Mr. Thompson's notice on the grounds that as a substitute he might not be present at the next meeting to move the motion. The Speaker promised to look into the matter.

Chuck Strahl rose on the same question on October 28, since as Whip of the Reform Party he was responsible for naming substitutes to committees. Mr. Strahl had discussed the matter with the Committee chair, who had maintained her position. The Speaker ruled on November 7 that the Standing Orders of the House, in establishing the status of associate member, did not create two classes of committee members with different rights. Consequently, a committee should not through its internal rules create a distinction between a permanent member and an associate member acting as a substitute.

On October 28 the Government House Leader moved that **Peter Milliken** be appointed Deputy Chairman of Committees of the Whole, replacing **Bob Kilger**, who

had recently been named Chief Government Whip. The Reform Party immediately questioned whether such a motion could be moved without notice. The Speaker ruled that that had been the practice of the House. The Reform Party subsequently moved an amendment to substitute the name of **Daphne Jennings**, arguing that the Government had promised during the last election that it would appoint an Opposition member to the Chair. When the debate resumed the next day, the Government invoked closure. The amendment was defeated and the main motion adopted on recorded divisions.

Committees

The Standing Committee on Procedure and House Affairs is currently looking at two bills which will affect the way federal elections are conducted. Bill C-63, An Act to amend the Canada Elections Act and the Referendum Act, was introduced by the Government on October 21 and referred to the Committee before second reading the next day. And a private Member's bill introduced by **Anna Terrana**, Bill C-307, An Act to amend the Canada Elections Act (polling hours), was given second reading and referred to the Committee on October 28. The Government bill would establish a permanent register of electors and shorten the election campaign period by setting 36 days, instead of the current 47 days, as the minimum. Mrs. Terrana's bill would stagger polling hours so that the election would not be decided before the West has finished voting. The Government has stated that it supports the principle of Mrs. Terrana's bill.

Standing committees have been conducting consultations outside the Ottawa area on a wide variety of subjects. The Justice Committee has held hearings on the Young Offend-

ers Act in many regions of the country, while the Transport Committee and the Natural Resources Committee have each done two-week cross-country tours, the first looking at transportation, trade and tourism and the other studying natural resources and rural development. The Finance Committee spent a week travelling during the pre-Budget consultation process, this being the third year they have conducted such a study. The Foreign Affairs Committee has also travelled to several countries in Europe on circumpolar affairs. The Human Rights Committee, on the other hand, has used videoconferencing to hear witnesses in Brussels, Washington, London, and Vancouver.

Other Matters

As promised in the spring, the Reform Party opposed appropriation for the Senate when the Government's request for approval of its 1996-97 main spending estimates was taken up on September 18. This led to a debate on the role of the Senate and the need for reform, after which the Senate appropriation was carried on a recorded division.

On September 23 **Roger Gallo**'s Bill C-216, which amends the *Broadcasting Act* to outlaw negative-option billing by cable companies, was narrowly concurred in at report stage and given third reading on recorded divisions.

The Commons Chamber was recently the scene of an unusual ceremony. On October 1 the House, by unanimous consent, went into committee of the whole after Question Period to pay tribute to approximately 80 medallists from the 1996 summer Olympic Games and the Paralympic Games. The medallists were invited onto the floor of the House where they were individually introduced by the Speaker, who

also said a few words honouring their accomplishments.

The fifth edition of the *Précis of Procedure* was published in September. This latest edition has been revised by the Table Research Branch to reflect changes to the procedures of the House since the fourth edition appeared in 1991. Copies may be purchased through the Canada Communication Group—Publishing.

The *Précis* is also available on the Parliamentary Internet Site (<http://www.parl.gc.ca>).

Thomas Hall
Procedural Clerk
House Proceedings and
Parliamentary Exchanges
Directorate



British Columbia

With the Assembly adjourned for the winter, legislators' attention has shifted to the work of standing committees, while the main issue for the government lies in responding to a projected provincial budget deficit.

Following the introduction of the provincial budget soon after the May election, Finance Minister Andrew Petter announced the likelihood of a deficit, contrary to initial information in the budget itself. Over the ensuing weeks, the deficit was projected to be approximately \$750 million. Opposition critics questioned why the government claimed, up to and immediately after the provincial

election, that the budget would be balanced. Premier Glen Clark and Mr. Petter responded that revenue, particularly from stumpage rates charged to forest companies, was significantly reduced from earlier projections, and that this was the cause of the reassessment.

Actions to date in response to the deficit projection include notice that approximately 3,500 civil service positions will be eliminated through attrition, layoffs and early retirement; restrictions on business travel by government employees; and freezing vehicle and furniture purchasing government-wide.

Unrelated to the budget issue, the Social Services ministry was dissolved and its functions split into two new ministries. The Ministry of Human Resources, under former Social Services minister Dennis Streifel, will maintain responsibility for income assistance programs, while the new Ministry of Children and Families has authority in the areas of child health, welfare and protection; the new minister is Penny Priddy. A number of program areas from other ministries, such as Health and Attorney General, have been transferred to this new ministry, in order to centralize the provision of child- and youth-centred services delivered by the provincial government. These changes were among those advocated by Cynthia Morton, a former deputy minister who had been appointed Transition Commissioner for Child and Youth Services. Her report also made recommendations respecting the process for reviewing deaths of children in care of the government; in this regard, a new Children's Commissioner, external to child-serving agencies, will review all children's deaths in the province and investigate those

found to be suspicious or unusual. Following the release of the report, Ms. Morton was selected to fulfill the role of Children's Commissioner.

Committees

Several standing and special committees continue their work. The Aboriginal Affairs Committee has embarked on an ambitious public hearing schedule, visiting seventeen communities through November and December, with further hearings contemplated for the new year. The committee is charged with receiving input and making recommendations on the agreement-in-principle signed between the federal and provincial governments and the Nisga'a people, who reside in the Nass Valley in northwestern British Columbia. In addition, the committee is receiving input on the process of aboriginal treaty negotiations in general.

The Parliamentary Reform Committee is continuing its review of British Columbia's conflict of interest legislation, particularly the appointment process and structure of the office of Conflict of Interest Commissioner. The committee also is authorized to conduct a search for a new Commissioner.

Other active committees include the Forests Committee, which is examining the annual business plan of Forest Renewal BC, a crown corporation responsible for re-investing timber revenue into the forestry sector; the Public Accounts Committee; and the Special Committee on the Response to the Gove Report, which is receiving briefings on the progress of work by the former Transition Commissioner for Child Services and the new Ministry of Children and Families.

In addition, the Legislative Assembly Management Committee has appointed a panel of five individuals from various walks of life to review compensation levels provided to MLAs. The Citizens' Panel is due to report its recommendations by the end of January 1997.

Party Leadership

Reform BC leader and MLA, Jack Weisgerber, has announced his intention not to lead his party into the next provincial election. The former Social Credit cabinet minister became leader of the provincial Reform Party following the 1991 election. For the majority of that Parliament the Reform caucus was comprised of four members, but, following the election this May, the party now holds only two seats. Mr. Weisgerber intends to remain a Member of the House until the next election.

Neil Reimer
Committee Clerk



Manitoba

The 2nd Session of the 36th Legislature reconvened for the Fall Sittings on September 16, 1996. At this point over 60 bills were still at the 2nd Reading stage. Thus, the focus of House business, since September, was on debate at 2nd reading of these bills. Two days were also used for consideration of the new vehicle of Opposition Day motions. The first motion considered

was one that had originally been proposed in the Spring regarding the strike by provincial Home Care workers and the second was on the issue of the Canadian Wheat Board and its status as a single desk selling agency. These were each debated on separate days, following Routine Proceedings, as called by the Government House Leader, and each was defeated.

The controversial nature of some of the government's legislation was evident in that hoist amendments were moved by the Opposition on three of the bills at their respective 2nd Reading stages; this is not a common occurrence in Manitoba. As well, over 600 people were registered to speak to the various bills at the committee stage. The bills drawing the largest number of public presentors were:

- Bill 67 - *The Manitoba Telephone System Reorganization and Consequential Amendments Act*;
- Bill 26 - *The Labour Relations Amendment Act*;
- Bill 72 - *The Public Schools Amendment Act (2)*;
- Bill 49 - *The Regional Health Authorities and Consequential Amendments Act*;
- Bill 32 - *The Council on Post-Secondary Education Act*; and
- Bill 36 - *The Social Allowances Amendment Act*.

Over 50 Standing Committee meetings were held during the Fall Sittings. Some of these were for consideration of annual reports of crown corporations, however, the bulk of them were for consideration of legislation.

The Fall Sittings have continued beyond the date on which they were expected to conclude. As a result of discussions earlier in the year regarding the revision of Manitoba's Rules of the House, an agreement had been reached by the House Leaders that the Fall Sittings would

begin on September 16 and conclude November 7, 1996. This would fit with the 8 week time period, that was detailed in the Provisional Rules, for the Fall Sittings. The Provisional Rules also provide for the Fall Sittings to conclude no later than the last Thursday in November. (These Provisional Rules were in effect until November 30, 1996).

Two days prior to November 7, the Standing Committee was still hearing public presentations on Bill 67. In the early hours of the morning, after persons present wishing to speak had been heard, the Government wished to proceed to clause-by-clause consideration of the bill. The Opposition Members on the Committee did not want to proceed at that point as they had only recently received copies of proposed amendments that the Minister expected to make to the bill and they wanted time to review them.

After some discussion, Steven Ashton, the Opposition Critic for the Manitoba Telephone System (MTS), moved a motion to adjourn and reconvene at 9:00 a.m. the following morning to begin clause-by-clause consideration of the bill. Mr. Ashton then spoke for almost 6 hours to this motion, right up until 9:00 a.m. the next morning. At that point, the Chairperson ruled the motion to be redundant. The committee eventually adjourned and met again the following day to continue consideration of the bill.

On November 7, as the House proceeded to deal with remaining business (condolence motions, report stage and 3rd Reading of remaining legislation), the Committee also sat, by leave, to attempt to complete consideration of Bill 67. Yet again, the Committee did not finish by the end of that day and the House, itself, was sitting past its normal adjournment hour. After some dispute in the House about the

scheduling of a final committee meeting for Bill 67, the Government House Leader moved to adjourn the House. The motion carried on a recorded vote. The Committee met the following day and completed consideration of Bill 67, with the adoption of over 50 amendments to the bill.

The House, despite not having completed its business within the 8 weeks planned for the Fall Sitings, returned on its next regular sitting day. Mr. Ashton rose in the House, after the Prayer, to state that there was a question as to the legitimacy of the House sitting. According to his interpretation of the provisional rule in question, his party would have had to agreed to extend the sitting past the 8 weeks and they had not agreed to this. The Speaker ruled that the interpretation of the Rules in question were that the concluding date of the session was the last Thursday in November; therefore, the House could still sit as that date had not been reached. The ruling was challenged and sustained on division.

Thus, the House has continued to sit and all other legislation received Royal Assent. The one outstanding item for the House to complete is Bill 67. The Government adjourned the House early on two different days when leave was not given to proceed to subsequent stages of Bill 67. Report Stage has now been legitimately reached and 39 Opposition amendments are on notice and debate has begun on these.

Judy White
Clerk Assistant

Erratum: In the Autumn issue it was stated that the Speaker had recessed the Manitoba House for 2 weeks. This should have read 2 hours. The Editor regrets any confusion this may have caused.

SENATE



The Senate resumed its sittings following the summer adjournment on September 24. While there have been a number of bills debated in the Senate and committees have presented several reports, the focus of the Senate's attention this fall has been concentrated on two specific items: the resolution to amend the constitution with respect to Newfoundland's school system, Term 17 of the terms of union of Newfoundland with Canada; and Bill C-42, to amend the *Judges Act*.

Both items had arrived in the Senate following quick passage by the House of Commons in June. Even before the adjournment began, however, it was apparent that the Senate was not likely to pass either item without thorough consideration.

On September 24, **Sharon Carstairs**, the Chair of the Committee on Legal and Constitutional Affairs, informed the Senate that she had deposited with the Clerk the report on the Newfoundland constitutional resolution last July 17 after the committee had held several days of hearings in St John's that month. Debate on the report's recommendation that the resolution be adopted without amendment began two days later, when **Bill Rompkey** moved adoption of the report. In speaking about the events that had led to the proposal to amend Term 17, including the province-wide referendum, he explained why the Newfoundland government was seeking these changes and how these changes

would affect, but not abolish, the constitutional guarantee to denominational education.

Debate on the resolution continued October 1 when **William Doody** spoke against its adoption. The core of his remarks addressed concerns for the guaranteed rights of religious minorities. In his view, "no government should be allowed to abolish, diminish or erode minority rights without the consent of the minorities involved." In the hope of having the House of Commons reconsider its position, he proposed an amendment to the resolution to provide a safeguard to preserve established rights to denominational schools "where numbers warrant".

Debate continued throughout October and November with more than fifteen Senators participating. On October 31, **Michel Cogger** proposed a sub-amendment the purpose of which was to make more explicit the right of denominational schools "to determine" as well as "to direct" their educational and administrative affairs. On November 7, **Michael Kirby** spoke against the need to amend the constitution in order for Newfoundland to reform its school system and the risk of creating a precedent to reduce minority rights that are guaranteed in the constitution. The same day, the Deputy Leader of the Government announced that an agreement had been reached between the Government and the Opposition parties to decide any and all questions related to the consideration of the resolution on Term 17 no later than November 27. When the vote was finally called, both the sub-amendment and amendment were adopted, 47 to 35, and the main motion as amended also passed with 46 in favour, 35 against and one abstention.

The second item that took up much of the Senate's time during this period was Bill C-42, an *Act to amend the Judges Act*. Initially, the bill had appeared to be a simple house-keeping measure, but it soon became apparent that there were some Senators who did not see it that way. **Anne Cools** was the first to express misgivings when she spoke on second reading before the summer adjournment and **Pierre Claude Nolin** expressed similar doubts when he spoke on September 26.

The purpose of the bill, among other things, is to allow federally appointed judges to take a leave of absence without pay under certain circumstances in order to work with international organisations or institutions. Specifically, the bill seemed to be aimed at providing a statutory sanction to the a government decision to permit an Ontario court justice to work for the United Nations in the matter of war crimes investigations in the former Yugoslavia and Rwanda. In fact, because the bill seemed to be so closely linked to the circumstances surrounding this specific case, a point of order was raised about the possibility that Bill C-42 might in fact be a private, rather than a public bill.

The Speaker ruled on the question October 1. **Gildas Molgat** determined that even though the bill seemed to involve identifiable individuals, the bill was drafted to constitute specific policy changes to the *Judges Act* and therefore was a public bill.

Following the Speaker's ruling, **Raynall Andreychuk** expressed some doubts about how the bill might undermine judicial independence. Subsequently, the bill received second reading and was referred to the Legal and Constitutional Affairs Committee which reported it back to the Senate without amendment October 21. Third Reading debate began the following

day and it quickly became evident that some Senators remained dissatisfied with some provisions of the bill. On the third day of debate, Senator Nolin moved an amendment to require the Canadian Judicial Council to approve any request for a leave of absence by a judge to perform quasi-judicial duties with an international organisation and to allow the government to pay any reasonable travel and moving expenses above and beyond the remuneration normally paid to a judge. After some days of additional debate, the amendment was withdrawn on November 7 and another proposed. The new amendment which was adopted the same day has the effect of being limited to the case of Mme. Justice Arbour. The bill as amended was then passed and sent back to the House of Commons.

Committee Reports:

The report on Term 17, was not the only report of a committee deposited with the Clerk during the summer adjournment. There were two others: the Seventh Report of Banking Trade and Commerce being an interim report on corporate governance; and the second report of the Foreign Affairs Committee examining the prospects of European integration from a Canadian perspective. The chairman of Banking Trade and Commerce, Senator Kirby, spoke to the first report on September 25.

During the course of his remarks, he explained that the committee had drafted this report following a request of the Minister of Industry to examine issues related to the upcoming amendment to the *Canada Business Corporations Act*. As part of its review, the committee heard from 50 different business witnesses across the country. From this evidence, the committee developed a

set of recommendations which, in the view of the Chairman, would likely be incorporated into the new Act.

The Foreign Affairs report was raised in debate on November 5 by **Peter Stollery**, a member of the committee. He spoke about the evident realisation that as Europe pursues its integration, Canada, a long time ally and trading partner, is gradually being shut out. At the same time, the Senator raised questions about the challenging prospects of that union given the history of the countries east and west of the Rhine even though memories of that history are not as vivid as they once were.

The recent changes in Europe, especially in Russia, have also created opportunities to develop new relations. For the first time ever, the head of a foreign legislature was invited to address the Senate from the floor of the Chamber. On September 25, **Yegor Stroyev**, Chairman of the Federation Council, the Upper House of the Russian Parliament spoke to the Senate about the profound changes gripping his country and the prospects for democracy. He also noted the growing relationship between the parliaments of both countries, a relationship supported through the Canada-Russia Parliamentary Exchange Program.

Appointment

A new Senator was introduced to the Senate on October 2. He is **Wilfred Moore** from Nova Scotia. He was summoned to the Senate to fill the vacancy created by the resignation of **Allan MacEachen** who retired in July after reaching the age of seventy-five.

Charles Robert
Deputy Principal Clerk
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