

Legislative Reports



The Third Session of the Thirty-fourth Parliament commenced on March 16 with the Speech from the Throne delivered by Lieutenant Governor **David C. Lam**. The Speech stressed economic policy, the environment and education as components for strategic issues confronting the province.

The ten Select Standing Committees of the Legislature were again struck as was the Committee of Selection charged with compiling the membership for each one. **Gordon Hanson**, an Opposition member, attempted to amend the motion by the Premier with respect to the number of committees by adding a Select Standing Committee of Aboriginal Affairs, which was subsequently defeated.

The Report of the Royal Commission on Education 1988, and summary of findings was tabled by **A.J. Brummet**, Minister of Education, as required under the *Public Inquiries Act* culminating what was said to be an extensive review of the educational system in British Columbia. On opening day the Opposition gave notice of 21 bills while various members gave notice of 31 motions and 42 questions.

The Public Accounts for fiscal year 1987-88 for the Province were presented to the House on March 21, 1989 by **Mel Couvelier**, Minister of Finance and Corporate Relations and, on motion, immediately referred to the Select Standing Committee on Public Accounts.

On March 29, 1989, **Jim Rabbitt**, Chairman of the Special Committee on Electoral Boundaries presented the Committee's Report. The Committee had been referred what was commonly known as the Fisher Report after its Commissioner, **Judge Thomas K. Fisher**. By leave, the Report was adopted by the House the same day it was presented, followed immediately by the referral of the Final Report of the Royal Commission on Electoral Boundaries to the Select Standing Committee on Labour, Justice and Inter-governmental Relations, chaired by **Larry Chalmers**.

The Report dated December 1988 addressed electoral representation in the Province; the names of electoral districts and their boundaries; serving the new constituencies and the process of electoral boundary revision. The 85-page report which also includes maps is available from Crown Publications in Victoria. This Committee is required to be unanimous in its recommendations and to report to the House as soon as possible. The same Committee is continuing its review of the *Builders Lien Act* and anticipates a final report sometime this year. As well, the

Committee will be recommending a resolution to the Legislature for fixing the salaries of judges in the Province, pursuant to Section 7(1) and (2) of the *Provincial Court Act*.

The Honourable M. Couvelier presented the government's budget for fiscal year 1989-90, which forecast expenditures totalling \$13.487 billion. Estimated revenue from taxation is \$7.633 billion; from natural resource revenue \$1.209 billion; contributions from government enterprises \$.542 billion; contributions from the federal government of \$2.177 billion; transfer from the Budget Stabilization Fund \$.5 billion; and other revenue \$1.426 billion. Accordingly, it was said that for the current fiscal year the budget would be balanced. The government's financing plan – direct financial requirements would see a nil figure in the General Fund; and an increase in the Budget Stabilization Fund of \$.375 billion; \$.02 billion in the Privatization Benefits Fund; and \$.301 billion in net receipts from financing and working capital transactions.

The government anticipates net direct borrowing to decrease by \$.25 billion and an increase in cash and temporary investments of \$.304 billion. The total net borrowing for the year is estimated at \$.2883 billion. Total indebtedness (net of sinking funds) for government purposes at year end is forecast to be \$4.67 billion; crown corporations and agency purposes \$11.9 billion; and

other debt and guarantees \$.794 billion. The House resolved itself into a Committee of Supply on Friday, April 7, 1989, and continues to review the estimates.

On April 3, 1989, **Graham Bruce**, Chairman of the Select Standing Committee on Forests and Lands presented the Committee's final Report to the House respecting the matter of Timber Harvesting Contracts.

On April 11, 1989, the *Annual Report of the Auditor General of British Columbia, 1989* was tabled and referred to the Select Standing Committee on Public Accounts. This document will form the basis and bulk of the work for the Committee this session. The committee is presently chaired by **Darlene Marzari**, an opposition member.

The Select Standing Committee on Finance, Crown Corporations and Government Services was asked to continue its review on Thursday, April 13, 1989, of the financial planning and advisory industry in British Columbia. The Committee chaired by Mr. Norman Jacobsen, intends to complete its work on the subject this year.

On April 18, 1989, Chief Justice **B. McLachlin** delivered a decision in the Supreme Court of British Columbia in the matter of the Canadian Charter of Rights and Freedoms and in the matter of Section 19 Schedule 1 of the *Constitution Act, R.S.B.C. 1979, C. 62* as amended between John Dixon, petitioner and the Attorney General of British Columbia, respondent. The Petitioner sought "an order declaring invalid the British Columbia legislation establishing provincial electoral districts, on the ground that it violates the guarantees of the *Canadian Charter of Rights and Freedoms*".

The Chief Justice considered six issues:

- whether the Charter applies to electoral boundaries made under the British Columbia Constitution Act;

- electoral distribution in British Columbia – the effect of the impugned legislation;

- the meaning of the Right to Vote under Section 3 of the Charter and whether British Columbia's electoral distribution offends it;

- the effect of other Charter guarantees on the electoral distribution scheme in British Columbia;

- if the conclusion is that the electoral distribution scheme in British Columbia violates the Charter, whether it is saved on the ground that it constitutes a reasonable limit demonstrably justified in a free and democratic society under Section 1 of the Charter;

- what remedies is the petitioner entitled to if the legislation is contrary to the Charter?

Chief Justice McLachlin found that "Section 19 and Schedule 1 of the *Elections Act of British Columbia* violates the petitioner's charter rights and are not saved by Section 1, and that the Court should not in principle decline to pronounce on the matter...". In so doing, Chief Justice McLachlin concluded that "...this Court cannot escape its constitutional obligation to review the validity of Section 19 and Schedule 1 of the *Constitution Act* and must declare those provisions to be contrary to the *Canadian Charter of Rights and Freedoms*. Pending submissions on what time period may reasonably be required to remedy the legislation and the expiry of that period, the legislation will stay provisionally in place to avoid the constitutional crisis which would occur should a precipitate election be required."

On Monday, May 15, 1989 the Honourable **Dave Parker**, Minister of Forests and Lands asked the House to refer Part 12 of the *Forest Act* as

well as the Vancouver Log Market to the Selected Standing Committee on Forests and Lands. The Committee chaired by **Graham Bruce** will be considering these issues this year.

Craig James
Clerk of Committees and
Second Clerk Assistant
British Columbia Legislative
Assembly



The Third Session of the Twenty-first Legislature opened on March 8, 1989, with Lieutenant Governor **Sylvia O. Fedoruk's** first Speech from the Throne. It promoted programs to provide better health care and measures to deliver education opportunities to Saskatchewan people. Other matters the Government addressed include family support, welfare reform, public safety, quality of life and the environment. The speech underscored the agricultural basis of Saskatchewan's economy and the effects of drought. Plans were announced to consolidate farm finance legislation as well as efforts to process agricultural products in Saskatchewan for export abroad. The Government looked forward to expanding trade through the Canada-US Free Trade Agreement. The remainder of the speech dealt with initiatives to promote Public Participation through public share offerings in several Crown Corporations.

On March 15, the Government introduced the first bill of the session: *an Act to Establish the Public Participation Programme*. Debate began in earnest on March 22 with the New Democratic Party presenting

strong opposition to crown corporation privatization. With the introduction of Bill 20, *an Act respecting the Reorganization of the Potash Corporation of Saskatchewan*, the level of opposition reached a new peak. In his remarks to the Assembly the Leader of the Opposition, **Roy Romanow**, gave notice that the debate on the sale of the province's potash mines would be long and vigorous.

In the meantime Finance Minister **Gary Lane** presented the provincial budget and the Standing Committee on Public Accounts resumed the business it began during a week of inter-sessional meetings in February. During those meetings normal business was interrupted when the committee became embroiled in many procedural disputes and debate over the committee's mandate. The committee decided to defer the mandate matter and agreed to a set of procedures for use during the review of the various departments. At the same period, the Standing Committee on Crown Corporations met and nearly completed its agenda. The crown corporation committee is set to reconvene at the beginning of May.

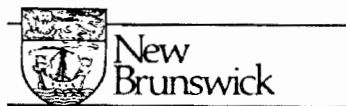
By far the most important and critical event of the session for both Government and Opposition has been the protracted bell-ringing on first reading of a bill to amend *The Power Corporation Act*. On Friday, April 21, the Government attempted to introduce the bill but, in the wake of certain controversy created by public share offerings in the provincial crown utility SaskEnergy, the Opposition walked out of the Legislative Assembly.

Saskatchewan has no rule or practice to restrict the time allowed to call in members for a recorded division. Consequently the bells were allowed to ring a total of seventeen days, three and one-half hours before both Whips indicated that the Assembly was

ready for the vote. Shortly after 2:00 p.m. on May 8, the division took place and the Bill was given first reading but not before the Opposition had used the delay to hold rallies and circulate a petition around the province while the Government took steps to create a commission of public inquiry into the sale of Saskatchewan Energy Corporation.

With the parties back in the Assembly doubtless many confrontations will take place over privatization before the session finally ends, to say nothing of the battle expected over a motion to limit bell-ringing to one hour placed on the Order Paper by the Government the same afternoon the members finally returned to the Chamber.

Gregory Putz
Clerk Assistant
Saskatchewan Legislative Assembly



The second session of the Fifty-first Legislative Assembly opened on March 14, 1989, the earliest opening date since 1980.

The Speech from the Throne, read by the Lieutenant Governor, **Gilbert Finn**, focused on three major themes: stimulating entrepreneurship; protecting the environment; and providing education and skills training. Major priorities include: the creation of a small business directorate to coordinate assistance to entrepreneurs; the establishment of a program called Community Enterprises to foster community self-sufficiency through the formation of equity pools; the launching of a new entrepreneurial

support program, Self Start, to help individuals start small businesses; the targeting of more than \$10 million for the formation of an Opportunity Corps to help income assistance recipients find jobs, and the introduction of a *Clean Water Act*; based on the "polluter pays" principle.

Other measures include: implementing a policy dealing with emissions of chlorofluorocarbons; establishing an office for seniors and an office of childhood services; subjecting power rates to the approval of the public utilities board; regionalizing services of the Workers' Compensation Board; and government action on the Report of the Minister's Task Force on Housing.

On March 30, 1989, the Minister of Finance, **Allan Maher**, presented his second budget. He said it "reaffirms our commitment to the people of New Brunswick to manage our financial affairs responsibly and to live within our means." The Budget Address complemented the Throne Speech by providing initiative to create jobs, to strengthen the economy, to improve health, education and other social programs and to protect the environment.

The government forecast that ordinary account expenditures would increase by \$228.1 million over the 1988-89 budget. This represents a growth in ordinary expenditures of 6.9 per cent, which is within the Government's fiscal plan to keep ordinary expenditures growing at, or less than, the economy. The Province's borrowing requirements, \$220 million less than forecast in October 1987, will result in an annual saving of over \$20 million in interest payments on borrowed money.

New Brunswick's economy is expected to grow at a rate of 7 per cent; employment is again expected to increase faster than the labour force, and the unemployment rate is

expected to continue to decline to about 11.6 per cent, the lowest in the Province since 1981; New Brunswick is predicted to lead the country in new investment, which is projected to increase by 14.2 per cent in 1989. This investment rate is expected to result in a new record of capital expenditures of almost \$2.8 billion.

The budget increases funding in the health care, education, environmental protection and job creation areas; and includes a budgeted surplus of \$3.1 million on ordinary account.

Along with the recent Third Quarter ordinary surplus forecast of \$31.8 million in 1988-89 fiscal year, this represents New Brunswick's best financial performance in terms of the ordinary account, this decade, declared the Minister of Finance. These figures, stated the Minister, "demonstrate clearly that we are regaining control of our finances and that the level of confidence in our Province's economy is very high."

New Rules

Recent amendments to the Standing Rules fix the hours of sitting from 2.30 p.m. to 6 p.m. on Tuesdays, and from 8:30 a.m. to 6:00 p.m. on Wednesdays, Thursdays, and Fridays, while retaining evening sittings from 8:00 p.m. to 11:00 p.m.

Changes to the routine proceedings' rules add a ten-minute period for "Statements by Members" following "Statements by Ministers". A member other than a Minister of the Crown can make a statement of not more than one and one-half minutes. Through this mechanism, members can advance the concerns of their constituents and, at the same time, put their concerns on the public record.

The rules pertaining to Private Bills were also amended to comply with the Legislature's constitutional obligation to pass legislation in both

official languages. If a Private Bill proposes to amend an Act that was enacted in only one official language, the entire Act must now be redrafted for passage in both official languages.

Written Questions for Registered Political Parties

In keeping with its commitment to make the legislative process more democratic, the Legislature, which has no opposition members, adopted rule changes allowing the two registered opposition political parties to submit written questions following the regular question period. Thirty minutes has been allocated for this procedure.

The written questions are deposited with the Clerk by a designated representative of a registered political party, as defined in the *Elections Act*, and seek information from Ministers of the Crown relating to public affairs or to any matter of administration for which they are responsible.

Questions are screened by the Clerk to make sure they conform to the Standing Rules and practices of the House. The Clerk reads the questions, indicates the registered political party, and identifies the Minister to whom it is directed. Ministers respond orally without prior knowledge of the question.

Registered political parties are also now allowed to advise the government to refer certain pieces of legislation to the Standing Committee on Law Amendments or to other Committees for public hearings, while the government reserves the right to make the final decision. In announcing this new process, Premier **Frank McKenna** stated, "that should the minister responsible for the piece of legislation not be prepared to accede to the request of the opposition parties – and that would only take place in unusual circumstances involving the need to implement the legislation with a great

deal of haste – then it would be incumbent upon that minister to explain on the floor of the House his or her reasons for not being prepared to undertake the process. He added that both these initiatives will enable the registered political parties to participate more fully in the legislative process and are examples of the government's continuing effort to provide open and accessible government.

Other matters

During the first two months of the new session some thirty-three bills were introduced, most of a housekeeping nature. Of note is Bill 29, *An Act to Amend the Liquor Control Act*, a major overhaul of the province's outdated *Liquor Control Act*. The Bill lifts the ban on liquor advertising in the province; reduces the categories of public licenses to five, namely, dining room, beverage room, lounge, club, and special facility license; allows the sale of liquor on behalf of the New Brunswick Liquor Corporation by agents of the Corporation (franchising); and allows licensed establishments and the Liquor Corporation liquor stores to be open during regular selling and/or consumption hours on election day, except during polling hours on a federal election day.

The Special Committee on Social Policy Development, chaired by **Paul Duffie**, held public hearings during the fall on the government discussion paper re Water Management issues and a *Clean Water Act*, and Beverage Container Legislation for New Brunswick. The Committee is expected to table its final report before the spring session adjourns to a fall date. A second report, focusing on a new integrated system of ambulance services and amendments to the *Family Services Act* is expected shortly.

The Select Committee on the 1987 Constitutional Accord held eight days of public hearings, heard from over 100 groups and individuals, and received over 150 written submissions. A final report of its recommendations on the 1987 Constitutional Amendment is expected to be tabled when the Legislature resumes in the fall.

Loredana Catali Sonier
Clerk Assistant (Procedural)
New Brunswick Legislative Assembly



Opening the Second Session of the Thirty-fourth Parliament with a Speech from the Throne, the Governor General **Jeanne Sauv **, outlined the government's main objectives: to build a strong economy; to preserve Canada's environment; to maintain a caring, compassionate society; and to foster a sense of Canada's cultural and national uniqueness. New MPs **Lee Richardson** (Calgary Southeast) and **Marie Gibeau** (Bourassa) were the mover and seconder, respectively, of the motion for an Address in Reply to the Speech from the Throne.

In the course of his remarks, Mr. Richardson described the evolution of the western Canadian character developed amongst immigrants as they faced the hardships and trials of settlement in a new and harsh land far from home. Westerners developed a sense of community, he said. "They were separated from central and eastern Canada by distance and attitude. Their economy was based on the extraction of raw, unfinished products that were shipped elsewhere for processing. Policies which affected the daily lives of westerners

were often made by a distant Government, controlled by those with little knowledge of or interest in the special problems and circumstances of westerners." Ms Gibeau voiced her enthusiasm for the "inspiring mission" through which the government would endeavour to develop Canada's prosperity and unity. She highlighted recent achievements of the government in her city of Montreal, citing the establishment of the Space Agency in recognition of the city's focus on aeronautics and aerospace. Looking to the future, she saw the Free Trade Agreement as a "passport to prosperity".

Orientation for New Members

With the beginning of the Second session of the new Parliament, the Clerk of the House, **Robert Marleau**, arranged a day-long briefing session for new members of Parliament. The seminar opened with a video illustrating the services offered by the various branches in the Clerk's Sector. Presentations by Clerks at the Table and other executives in the organization of the House of Commons focussed attention on House publications, the work of committees, and members' participation in parliamentary associations and in international exchanges. The role of the private member was discussed, with an outline of the procedures governing debate on Private Members' motions and bills including the Draw, the selection of "votable" items, and the order of precedence for debate in the House. Also discussed was the role of the Law Clerk and Parliamentary Counsel. The Library of Parliament presented an informative video on the reference and research capabilities they make available to MPs.

Private Members' Business

The increased interest in Private Members' Business was much in

evidence at the beginning of the Second Session. Dozens of motions were placed on notice the first day and, by the time of the draw which establishes an order of precedence for debate of twenty items there were 447 motions and 36 bills vying for selection.

Following the draw, a standing committee meets to consider which of the twenty motions and bills successful in the draw should be designated "votable". Those so chosen would have more hours of debate than the others, and would be guaranteed a decision by the House.

In this parliament, the number of House standing committees has been reduced from 26 to 19 so Private Members' Business is now dealt with by the Standing Committee on Elections, Privileges, Procedure and Private Members' Business. It tabled its report on April 26, designating the four following items as "votable":

M-126 (Mr. Whittaker) a motion regarding Federal Business Development Bank assistance to small business;

M-361 (Mr. Gauthier) a motion to establish a Canadian Museum of Oceanography in the National Capital Region;

M-437 (Mr. Dorin) a motion to ensure the labelling of all drug ingredients;

M-254 (Ms. Langan) a motion regarding a Bill of Rights for children.

The other 16 motions and bills would be limited to an hour's debate in the House, while the "votable" items would receive up to 5 hours of debate before the vote.

Budget

The time for the Finance Minister's budget statement had been designated by the House as 5:00 o'clock p.m. on

Thursday, April 27, 1989. But a brochure summarizing the contents of the budget was revealed by a journalist on the Global TV station during the news broadcast the evening before. After cabinet consultations, **Michael Wilson**, Minister of Finance, made his presentation at a hastily-called press conference only four hours later. This prompted criticism from the leaders of both opposition parties. As soon as the House opened next day, the Finance Minister sought the floor on a point of "personal privilege" to explain the extraordinary events which had taken place the previous evening.

He stated that the premature release of details of the Budget appeared to have resulted from "a breach of trust, a wilful criminal act against which there can be no certain security". He went on to say that the government had been mindful of the importance of not permitting any individual to profit from advance knowledge of the contents of the Budget and had, therefore, concluded that it was necessary to make it public immediately.

Following Mr. Wilson's brief explanation, **John Turner**, Leader of the Opposition rose on a question of privilege. Citing the leak of the Budget summary as "the largest and most serious violation of parliamentary democracy in the world", he expressed his concern that the government did not understand that the failure of the Minister of Finance to protect the confidentiality of Budget documents was sufficient reason for him to resign his portfolio.

Ed Broadbent, Leader of the New Democratic Party, joined in the call for the Finance Minister's resignation and criticized the Prime Minister and Minister of Finance for not taking the "responsibility to move a motion to have this subject referred to a committee that would examine what

went on". The Speaker heard further arguments in relation to the matter until the time designated for introduction of the budget.

Once the debate on the contents of the Budget began, opposition members criticized the government's action in raising taxes and cutting back on programs such as child care and unemployment insurance, while members of the government side expressed support for a "hard" budget designed to reduce the deficit and bring the country's burgeoning debt under control.

Annotated Standing Orders

On April 6th, Speaker Fraser held a reception to celebrate the publication of the *Annotated Standing Orders of the House of Commons*. This document is part of an ongoing research effort known as the "Bourinot Project" created by a former Clerk of the House, Dr. C.B. **Koester**. Previous publications have included collections of Speakers' decisions and a *Precis of Procedure*. This latest volume of approximately five hundred pages may be the most ambitious and successful of the lot.

In the introduction the present Clerk, notes that "with numerous references and examples of how each Standing Order applies, the Annotated Standing Orders are a practical tool designed for a wide range of users: The Speaker and table officers, house leaders, members and their staff, parliamentary secretaries, procedural clerks, and interested groups from the university community and the media".

Each Standing Order is accompanied by a brief comment explaining the current interpretation. Commentaries are followed by an historical summary of the evolution of each Standing Order. Executive members of the Canadian Study of Parliament Group as well as members of the parliamentary press joined MPs and staff at the Speaker's reception to

congratulate the procedural clerks involved in the Bourinot Project. It was noted, by the way, that new Liberal MP **Peter Milliken** had been the first to quote from the new Annotated Standing Orders that very day as he argued a possible question of privilege in the House.

Nora S. Lever
Principal Clerk
Private Members' Business Office
House of Commons



Although the Manitoba Legislature has not been in session since December 20, 1988, there has been considerable committee activity during the early part of the year.

Three of the eight standing committees were authorized to meet during the winter adjournment. The main business was discussion of various annual reports of Crown corporations.

The Standing Committee on Economic Development, chaired by Mr. **Helmut Pankratz**, met six times during February and March. The most contentious issue raised during its meetings was review of the announced plans for the divestiture of Manor Ltd., the provincially-owned forestry company, to Montreal-based Repap Enterprises Inc. The sale is the culmination of eight months of intensive negotiations headed by Finance Minister Clayton Manness.

The standing committee met three times to discuss the divestiture,

culminating in a marathon six hour meeting with opposition critics questioning Manness, various consultants, and government officials about the complex agreement.

Despite Government objections that all the details of the sale could not be made public – given that negotiations are not complete – a further requested committee meeting has yet to be scheduled.

The Standing Committee on Public Accounts, chaired by **Herold Driedger**, met twice in January for the consideration of the Annual Report of Public Accounts for the last two fiscal years and of the Provincial Auditor's Report for the last of these years.

In the latter half of February and into early March the Standing Committee on Public Utilities and Natural Resources, chaired by **Parker Burrell** and Mr. Pankratz, met to review the annual reports of the Manitoba Energy Authority and the Manitoba Hazardous Waste Management Corporation.

The annual report of the former corporation was accepted but the committee passed a motion recommending "that the government House Leader set a date to continue reviewing the Annual Report of the Manitoba Hazardous Waste Management Corporation." The committee then rose.

Premier **Gary Filmon** announced on April 13 that the second session of the 34th Manitoba Legislature would begin Thursday, May 18, with the reading of the Speech from the Throne to be followed by presentation of the Budget on June 5.

Bev Duncan
Hansard Production Assistant
Manitoba Legislative Assembly



The Legislative Assembly prorogued April 11 after a 32-day budget session.

During the fourth session, MLAs approved the government's \$935 million budget, heard the government announce creation of several new departments and held major discussions on important matters concerning residents of the NWT.

Fourth Session

In opening the session on February 8, Commissioner **John Parker** broke from his traditional focus on the budget to speak on the evolution of public government in the Territories. He noted that "with the settlement of aboriginal claims and the growth of regional bodies, boards and institutions, political and constitutional development of the NWT is at a crossroad". He told members there is a renewed need for a consensus on the shape and direction of public government in the north. Mr. Parker noted that northern government has developed at a rapid pace in the past 15 years with the evolution of the Legislative Assembly into a fully-elected legislature, the work of MLAs along with representatives of the native organizations in the Constitutional Alliance and the on-going transfer of provincial-like responsibilities from the federal government.

Mr. Parker told members that "at this point in time, our government believes there is a need to consolidate northern efforts, to review its present position and to achieve a clear consensus on northern self-government." Mr. Parker noted that achieving this consensus would

not be easy but that the process of developing a framework to guide the shaping of a public government to best serve the needs of all northern people must begin.

When introducing the largest budget ever, Finance Minister **Michael Ballantyne** told MLAs that providing improved social services were to be the priority, with \$470 million of the budget allocated to health, social services, housing, and education.

Finance Minister Ballantyne told members that this was a budget which "tackles a number of important social issues and provides a framework for the further development of a strengthened economy for the Northwest Territories. It will do this by: maintaining our commitment to existing programs; introducing new initiatives that address priority areas, particularly those identified by the Legislative Assembly; and setting up a framework to encourage lasting economic development and employment."

Mr. Ballantyne told the Assembly the budget was designed so "greater economic self-sufficiency, the reduction of pressing social needs, increased employment opportunities, political and constitutional development, and the continued enhancement of our cultural distinctiveness" could be achieved as the NWT heads into the 1990s.

In addition, Mr. Ballantyne announced that achieving these goals required a budget deficit of \$11 million which he termed "a manageable deficit". The Minister also told members that the budget included increases in taxes on alcohol, tobacco products and gasoline.

Budget highlights included the announcement of \$2.2 million dollars to fund child care facilities in the Territories. In addition, an additional

\$2 million has been set aside in reserve for child care until cost-sharing negotiations with the federal government have been completed. The new Department of Transportation was given a special \$25 million fund to finance the long-term development of a transportation infrastructure which includes improvements to the highway system, airports and marine facilities in the NWT. As well, the Minister announced additional funding of \$2 million to the Department of Education to provide new or enhanced programs in such areas as improving literacy in the Territories.

During the session, there was a lot of discussion by members over the Finance Minister's budget announcement that the tax rate for tobacco products would be increased. Some MLAs argued that these increases would create an undue tax burden upon native elders, who are large consumers of these products. After strong opposition by some members, the government introduced an amendment to the Bill that limited the increase for cigarette rolling tobacco to 25% from the proposed increase of 55%. The tax increases on other tobacco products passed as proposed.

This session also witnessed the creation of three new government departments.

The Department of Transportation is a new department created to provide a long-term transportation strategy for the Northwest Territories. This new department will assume responsibilities and programs formerly in the Departments of Public Works and Highways, Government Services and Municipal and Community Affairs.

The new Department of Safety and Public Services will be responsible

for safety training and enforcement of safety rules in the NWT.

The new Department of Energy, Mines and Petroleum Resources replaces the Energy, Mines and Resources Secretariat and will be responsible for guiding oil, gas and mining activity in the NWT.

There were several long discussions on issues members felt were of major concern to people in the Northwest Territories.

On Wednesday, March 8, the Assembly quickly moved into Committee of the Whole to discuss the problem of suicide in the Northwest Territories. Members heard a presentation made by Dr. Ron Dyck of the Alberta Mental Health Services. After discussion of the matter of suicide in Committee of the Whole, MLAs put forth a number of motions. Those passed included recommendations to the Executive Council that suicide specialists and regional co-ordinators be established, that financial support be provided to conduct regional workshops on suicide prevention and that financial assistance to support youth groups be increased to recognize the role of youth in resolving social problems they encounter.

On March 9, members heard from airline company representatives on the subject of airline service in the NWT. This discussion was held in response to concerns from MLAs that residents of the Territories were not being adequately served by airlines.

MLAs also held an extended debate on the matter of arctic contaminants and pollution and the associated health risks to northern residents. Members heard presentations from environmental scientists and health workers and asked question of these witnesses. Motions passed during Committee of the Whole included a request that additional funds be made available to deal with the problem of

arctic contaminants, that the Territorial government assume responsibility for co-ordinating contaminant research in the NWT in co-operation with the federal government, that a request to the federal government to clean up abandoned defense sites be made and that the Territorial government pursue involvement in all national and international contaminant meetings, conferences and agreements.

In another discussion, members heard from the co-chairmen of the federal environmental assessment and review (FEARO) panel concerning a proposed uranium mine near the community of Baker Lake.

Legislation

Among the 14 bills receiving assent during the session were:

the Electoral Boundaries Act to create a Commission to review, hold public hearings and prepare a report regarding the area, boundaries, name and representation of all existing electoral districts in the NWT.

the Public Utilities Act to establish the Public Utilities Board and provides for the power and duties of the board, which will approve public utility franchises, set rates and establish offenses and punishments for utilities franchises.

Amendments were also passed to the:

Labour Standard Act to provide for notice or pay in place of notice upon termination of employment. It also requires employers to give the Territorial government advance notice of layoffs of 25 or more employees at one time; allows the Minister to require employers laying off 25 or more employees to participate in the re-establishment of the employees in the workforce; provides for the compensation or reinstatement of employees who are fired or discriminated against for making a complaint or requesting their rights under the Act; and permits an order of the

labour standards officer to be enforced by the Supreme Court.

Petroleum Products Tax Act to change the basis of the taxable price per litre of gasoline from regular to unleaded gasoline.

Motor Vehicles Act to allow a person whose driver's licence has expired for less than a year to obtain a new licence without having to take a driver's examination.

Student Financial Assistance Act to increase the maximum amount of principal owed for all student loans from \$8.5 to \$9 million, eliminates regional student financial assistance boards and clarifies the appeal process.

Legislative Assembly and Executive Council Act to provide that a member must file a written claim for a living allowance for constituency work. It also provides that the maximum allowable annual expenses should apply to the cost of return airfare and other reasonable expenses, but not to the living allowance for constituency work and provides that members' indemnities, allowances and expenses to be tied to increases or decreases in the consumer price index.

Workers' Compensation Act to give the Minister control over appointments to the Workers' Compensation Board and decreases the number of members on the Board.

Income Tax Act to bring the act into line with changes to the federal *Income Tax Act*; and makes certain provisions of the federal *Income Tax Act* apply for the purpose of the act, such as annual returns of income, payment of tax by corporations, liability for tax, refunds of tax, objections to assessments, appeals, general administration of the act, enforcement of the payment of tax, inspections and penalties.

During the session the Special Committee on the Northern Economy tabled its second interim report. This committee recently finished holding public meetings in communities of the western arctic and is currently

holding meetings in the eastern arctic. The Special Committee will hear residents' concerns about the northern economy and develop an economic strategy for the NWT. The Committee's final report is expected to be tabled in the fall session.

Next session in Norman Wells

In proroguing the session, Deputy Commissioner **Ann Hanson** announced that the next session of the Legislative Assembly will not be held in Yellowknife but instead will travel to the western arctic community of Norman Wells. Oil production is the major economic activity of this community of 700 which is located 684 km northwest of Yellowknife, in the Inuvik region. The Fifth Session of the Legislative Assembly will open on Wednesday, October 18.

Will L. Pritchard
Public Affairs Officer
NWT Legislative Assembly



On 25 April 1989, Lieutenant Governor **Lincoln Alexander** delivered the Speech from the Throne opening the Second Session of Ontario's Thirty-fourth Parliament. However, the opening was almost interrupted by a blockade around Queen's Park by about 200 transport trucks protesting axle weight regulation. The Minister of Transportation, **Ed Fulton**, met with the truckers and reached an agreement which allowed the opening ceremonies to proceed without further incident.

Also on hand for the opening was a large group of demonstrators representing injured workers

protesting Bill 162, *An Act to amend the Workers' Compensation Act*.

The Speech from the Throne outlined the Liberal government's blueprint of legislative work for the session. Highlighting the Speech was the area of education. The government indicated its desire to have kindergarten available to all four- and five-year old children and to restructure the school years from Grade 7 to 9 to "ensure a smoother transition" to more advanced and specialized studies in secondary school. Premier **David Peterson** indicated to reporters his government's proposed education reforms were intended to make schools "relevant and meaningful to every kid" in Ontario.

Other objectives set out in the Throne Speech included a reduction of Ontario's solid waste by 50 per cent by the year 2000 and of auto exhaust emissions by one third within the same time frame. In order to help finance the environmental objectives, a new lottery, Cleantario, will be established. Reform of the court system, improved police race relations training, and finding new jobs for workers laid off due to plant closings were also areas for legislative consideration referred to in the Speech.

The Leader of the Opposition, **Bob Rae**, criticized the Government's agenda as being "too focussed" and stated that "the issues identified as key government concerns are thin". He criticized the failure of the Throne Speech to address the housing issue and accused the government of failing to provide specific programmes to address the day care needs of the province. He also noted that the Speech failed to mention many areas of concern to Ontarians such as car insurance, home care, energy, the nursing shortage, the teacher shortage, employment equity,

health and safety, pensions and employment standards.

The Interim Leader of the Progressive Conservative Party, **Andy Brandt**, expressed concern that by focussing the unusually short speech (11 pages - one of the shortest speeches in years) on six areas, the government had failed to give Ontario residents a comprehensive idea of what it had planned. He indicated that to offer an expanded kindergarten programme ignored the reality of the present teacher shortage, the present shortage of classrooms and the questions of the funding of the programme.

A motion for an address in reply to the Speech from the Throne was moved by **Joan Fawcett** and seconded by **Murad Velshi**.

Committees

The standing and select committees were quite active during the Recess following prorogation.

The Standing Committee on Social Development, chaired by **David Neumann**, met to consider two government bills. The Committee held hearings on Bill 124, "An Act to amend the Children's Law Reform Act". The purpose of the bill is to provide for the enforcement of access orders. The Committee heard from a large number of witnesses and will deal with the bill clause-by-clause early in the new Session.

The Committee also held hearings on Bill 194, *An Act to restrict Smoking in Workplaces*. The purpose of the bill is to prohibit smoking in workplaces, with provision granted in certain circumstances for a designated smoking area not to exceed 25% of the area of a workplace. After hearing from witnesses, the Committee conducted clause-by-clause consideration of the bill, and made several amendments. The bill was reported back to the House on the second day of the new

Session, and was ordered for the Committee of the Whole House.

The Standing Committee on Finance and Economic Affairs, chaired by **David R. Cooke** (Kitchener), conducted its third Pre-Budget Consultation. The purpose of this process is to provide interested groups and individuals with a forum in which to provide direct recommendations to the Legislature and the Treasurer on provisions for the upcoming provincial Budget.

After hearing a large number and variety of witnesses, the Committee met in camera to prepare its Report, which was released in early April. The Committee made a number of recommendations, including one urging the government to implement the first stage of the Report of the Social Assistance Review Committee. This government-appointed committee recommended in late 1988 that the government undertake an extensive and fundamental revamping of Ontario's social assistance system in a phased, 5-stage approach. The Committee also recommended, among other things, that the Treasurer consider a number of new avenues for revenue generation, including a net wealth tax and a minimum corporate tax. While the recommendation of the Committee regarding social assistance reforms was unanimous, others were not, and both of the Opposition parties included dissenting opinions in the Report.

The Standing Committee on the Ombudsman, chaired by **Cindy Nicholas**, reviewed the Ombudsman's Special Report on the Denied Case of Farm 'Q' Ltd. The Committee is expected to make its report to the House early in the new Session.

The Standing Committee on General Government, chaired by **Walt Elliot**,

held public hearings on Bill 170, "An Act to revise several Acts related to Aggregate Resources". When passed, the bill will provide for management of the aggregate resources of Ontario and the control and regulation of aggregate operations on Crown as well as private land. The bill will minimize adverse impact on the environment in respect of aggregate operations and will require the rehabilitation of land from which aggregate has been excavated.

The Select Committee on Education, chaired by **Dianne Poole**, continued its deliberations by considering the organization and length of the school day and the school year. The Committee heard from 23 groups including three experts on full-year schooling. The Committee expects to make a report during the current sitting of the House.

The Standing Committee of Resources Development, chaired by **Floyd Laughren**, met during the Recess for 6 weeks to conduct public hearings on Bill 162, *An Act to amend the Workers' Compensation Act*. The Committee heard from some 300 groups in the following communities: Windsor, Kitchener, London, Thunder Bay, Dryden, Ft. Francis, Hamilton, Oshawa, Timmins, Sudbury, Ottawa and Toronto. The Committee will begin its clause-by-clause consideration of the bill during the current Session.

The Standing Committee on Administration of Justice, chaired by **Bob Callahan**, held public meetings on Bill 187, *An Act to amend certain Acts as they relate to Police and Sheriffs*. The bill deals with court security and transfers the responsibility for courtroom security to the municipal police forces. The Committee held public hearings in Toronto during the second week of March and took the opportunity to visit the courts in Toronto's Old City Hall to view the security facilities.

The Committee expects to commence clause-by-clause consideration of Bill 187 during the current Session.

The Committee will resume public hearings in Toronto in the Spring on Bill 4, *An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984*. This bill provides for the extension of police complaints procedure to municipalities other than Metropolitan Toronto upon the request of the municipality.

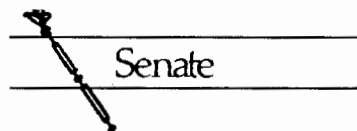
The Standing Committee on Government Agencies, chaired by **Allan McLean**, completed its review of the following agencies: Advisory Council on Occupational Health and Occupational Safety, Ontario Waste Management Corporation and the St. Lawrence Parks Commission. The Committee made its report early in the Second Session.

The Standing Committee on Public Accounts, chaired by **Ed Philip**, met in April to commence its review of the 1988 Annual Report of the Provincial Auditor. In addition, the Committee travelled to inspect psychiatric hospital facilities in Hamilton and Toronto. These visits, together with a planned trip to facilities in North Bay, formed part of the Committee's follow-up on recommendations contained in its previously tabled First Interim Report 1988.

The Standing Committee on the Legislative Assembly, chaired by **Herb Epp**, met for 3 days in April to review the report of the Chief Election Officer of Ontario, **Warren R. Bailie**, and to consider recommendations to the House affecting the *Election Act* and the election process. The Committee heard representations from the public and devoted considerable time to a discussion of means to enable the homeless to vote in provincial elections. The Committee will

resume its meetings on this subject late in May. The Committee also continued its review of services to members, discussing the global allowances paid to members and the provision of banking services in the Legislative Building. Following completion of the election process review, the Committee will commence a review of confidentiality provisions in Ontario statutes as required by the *Freedom of Information and Protection of Privacy Act, 1987*.

Harold Brown
Committee Clerk
Legislative Assembly of Ontario



The Senate received Her Excellency the Governor General, Madame **Jeanne Sauv **, and the Members of Parliament from the House of Commons on Monday, April 3, 1989, on the occasion of the Speech from the Throne to open the Second Session of the Thirty-Fourth Parliament.

The objectives for this Session, as presented in the Speech from the Throne, were embodied in five general themes: a strong economy maintained by appropriate Government practices; heightened emphasis on preservation and improvement of Canada's environment; maintenance of a compassionate approach towards those in need; cultural and national identity; and the ratification of the Meech Lake Accord as being essential to national unity. Senator **Gerald R. Ottenheimer**, seconded by Senator **Roch Bolduc** moved the Address in Reply to the Speech from the Throne. In his remarks, Senator

Ottenheimer praised the Speech for its vision of Canada and the socially and economically responsible approach of its philosophy, principles and priorities.

In his Address, Senator **Allan J. MacEachen**, Leader of the Opposition in the Senate, took exception to the implied and stated claims of the Government and contested their record in such areas as national defence, foreign policy, national unity, social problems, economic management and environmental affairs.

Amendment to Supply Bill

Senator **John B. Stewart** rose on May 9, 1989, at second reading of Bill C-14 in the Senate. The bill, which on the surface appeared to be a normal interim supply bill, represented to him an exceptional precedent from which the Senate should protect itself and Parliament.

Senator Stewart argued that Governor General's Special Warrants were sought and received on four separate occasions, despite what he felt was the use of inappropriate justification by the Government to secure them. Senator Stewart gave the Senate a detailed account of his interpretation of section 30 of the *Financial Administration Act* which provides for the use of Governor General's Special Warrants. According to Senator Stewart, the Act, in essence "...enable(s) a government to deal with major requirements that cannot be foreseen; in other words, to deal with ... emergency situations - situations which in the nature of things could not be predicted with assurance." The Senator then cited items paid by the bill upon which the President of the Treasury Board had given an opinion as being items which would meet the criteria of the *Financial Administration Act*: the Canadian Heraldic Authority and a survey of the shrubs at 24 Sussex

Drive. In both cases, the Senator reported that he had been assured that these payments were indeed, "...urgently required for the public good..." as defined in the *Financial Administration Act*.

Senator Stewart's main concern was that, in voting for Bill C-14, the Senate would be creating a precedent that could conceivably be used at a later date, by any Government which cared to do so, to indefinitely avoid meeting Parliament with its supply needs. Hence, when the National Finance Committee reported to the Senate on May 11, 1989, it had amended the bill by adding a section:

8. The payments made by the Special Warrants, signed by the Governor General on January 19, February 11, March 23 and April 1, 1989, shall be deemed to have been legal.

Senator **Royce Frith**, Deputy Leader of the Opposition, in speaking in favour of the amendment explained that the interpretation of the use of the word "deemed" would have the effect of legitimizing the use of the Special Warrants without giving them the status of being considered as precedents at some future time.

Senator **Duff Roblin** responded to the criticism of the use of Special

Warrants. He based his argument on the fact that, far from being peculiar, Special Warrants have been used on a number of occasions since their first use in Canada in 1896 for matters which could arguably be considered as normal, general expenses outside of the interpretation of the *Financial Administration Act* put forward by Senator Stewart. In response to the specific amendment, Senator Roblin questioned the logic of declaring the use of Special Warrants as being legal, when in his view no clear case had been made for the supposition that their use had been illegal. Moreover, since their use had been acknowledged and "confirmed" in clause 3 of the bill, the amendment was, in that sense, redundant and unnecessary.

The bill as amended was carried and sent to the House of Commons. On May 16, 1989, the Senate received a message from the House of Commons disagreeing with the Senate amendment. The House of Commons' message echoed the opinion of Senator Roblin, declaring the use of the Special Warrants to have been legal in the first place.

The bill was referred back to National Finance for final consideration. The committee reported back to the

Senate with no amendments, but highly critical commentary regarding the Government's use of the Special Warrants. The bill passed, on recorded division, with 24 Yeas, 0 Nays and 33 Abstentions, and received Royal Assent later that same day.

Changes at the Table

On May 2, 1989, Speaker Senator **Guy Charbonneau** announced to the Senate the appointment of **Gordon Barnhart** as Clerk of the Senate and Clerk of the Parliaments. Mr. Barnhart was welcomed by Senator **Lowell Murray**, Leader of the Government in the Senate and Minister of State for Federal-Provincial Relations and Senator MacEachen, who both mentioned Mr. Barnhart's experience as Clerk of the Saskatchewan legislature and wished him well in his new duties. At the same time, a motion was passed making outgoing Clerk of the Senate, **Charles A. Lussier**, an Honorary Officer of the Senate with an entrée to the Senate and a seat at the Table on occasions of ceremony.

Blair Armitage
Committee Clerk
The Senate