
Legislative Reports

Saskatchewan

The fourth session of the Twenty-first Legislature opened on Monday, March 19, 1990, with the delivery of the Speech from the Throne by Lieutenant Governor **Sylvia O. Fedoruk**. The theme of the speech was "Building the New Saskatchewan Consensus", which identified the government's intention to make Saskatchewan people active participants in building a plan for the future. A group of one hundred citizens will form "Consensus Saskatchewan" to make recommendations to the government on four priority areas already defined as a result of public consultations with ministers of the Crown. The areas include:

- expansion and diversification of the economy;
- security and stabilization of communities;
- growth and well-being of people and finally;
- responsible and efficient management of resources.

The official Opposition decried "Consensus Saskatchewan" as proof that the government had abdicated its responsibility and lost the capacity to govern. During the Throne Speech debate the Leader of the Opposition, **Roy Romanow**, argued that in a democracy it is the job of an elected government to guide the province. Premier **Grant Devine**, defended "Consensus Saskatchewan" as a mechanism whereby the people can be active

participants in the process of government.

Before the Throne Speech debate had even begun, members of the Legislative Assembly voted unanimously for a motion calling on the federal government to execute its responsibility to implement a plan to provide farmers with relief from the world agricultural subsidy war. It is clear from the course of the session thus far that the plight of Saskatchewan farmers, as a result of low grain prices and drought, is a serious subject that will receive priority attention from both sides in the Saskatchewan Legislative Assembly.

Protection of the environment has also received close attention. Both the Opposition and Government have introduced bills with the objective of banning ozone depleting substances in Saskatchewan. The session is too young to predict what other issues might arise but again it should be an interesting spring. The government has entered its fourth year and that, of course, gives rise to speculation that an election is just around the corner.

Procedural Reform

The Special Committee on Rules and Procedures identified the following areas that might possibly be the subject of rule changes: time limit on division bells; deferral of recorded divisions; time limit on speeches; quorum call procedure; presentation of petitions; sitting hours and length of session; length of question period; private members' statements; decorum and

conduct of members; estimates procedure. The committee has not yet made any recommendations.

Finally, the Saskatchewan Legislative Assembly was pleased to welcome **Blair Armitage**, a Committee Clerk of the Senate of Canada, as a visiting Clerk-at-the-Table during the month of April. Mr. Armitage provided able assistance at a time when the Saskatchewan Table found itself short-staffed. On May 1, 1990, **Robert Vaive** joined the Office of the Clerk as the Assembly's new Deputy Clerk.

Gregory Putz
Clerk Assistant
Saskatchewan Legislative
Assembly

New Brunswick

The third session of the Fifty-first Legislature commenced on March 13, 1990 with the Speech from the Throne delivered by Lieutenant-Governor, **Gilbert Finn**.

Highlighting the Throne Speech were the announcements of the establishment of a trust fund to protect and enhance the environment and the appointment of an Electoral Boundaries Commission to examine redistribution and make recommendations to the Legislative Assembly. Also in the area of political reform the government announced its intention to

introduce amendments to the *Elections Act* to reduce the minimum and maximum time periods for an election by one week. The current minimum and maximum election period is 35 days and 45 days respectively.

Other objectives set out in the speech included: the establishment of a Crown Investment Management Corporation with the responsibility for management of a number of public sector funds; the establishment of a Premier's Advisory Council on Literacy; the creation of a nonprofit private sector Fundy Trail Agency, to construct and develop the "missing link" portion of the trail; the implementation of new programs dealing with students at risk, focused on reducing the number of young people who drop out of the system before completing high school; and the tabling of a comprehensive review of human rights legislation as well as the government's response to it.

The government also plans to table and refer to the Law Amendments Committee for public hearings a discussion paper on the *Right to Information Act* to determine if amendments are needed to the Act.

Among the health care initiatives referred to in the Throne Speech were: the implementation by the Mental Health Commission of a new program to provide in-patient psychiatric services for children and adolescents to ensure young people receive the benefit of early assessment; the implementation of crisis intervention services and a Day Hospital Program as first steps to diverting unnecessary hospital admissions; the expansion of services to rural areas and the initiation of a Forensic Psychiatric Service to provide necessary services to young and adult offenders.

Other measures included the appointment of a Premier's Council on Health Strategy with a mandate to develop a comprehensive Health Strategy, amendments to the *Ambulance Services Act* designed to set the framework for the development of a comprehensive, integrated ambulance service system and the establishment of an Office for Seniors.

Incentive plans for young farmers, a Business Leave of Absence Program for provincial public servants and the establishment of Youth Addiction Services were also areas for legislative consideration referred to in the Throne Speech.

The government continued the practice begun in 1988 and adjourned the House for one day following the Throne Speech, thus giving the opposition parties greater access to the media to expose their views.

Procedural Changes

During the 1989 session, the registered political parties took advantage of provisional rule changes to submit written questions which were read by the Clerks at-the-Table and answered by the Minister to whom they had been directed.

The Standing Committee on Procedure met during the one-day adjournment of the House to review ways of improving the provisional Question Period. The Committee recommended retaining the 30 minute question period for the unelected opposition parties following the regular question period. Subsequently, the House passed a resolution providing that the leaders of the Registered Political Parties, as defined in the *Elections Act*, be afforded the privilege of appearing at the Bar of the House for the current session, to

ask questions of Ministers of the Crown relating to public affairs or to any matter of administration for which they are responsible.

Thus far, leaders of two of the registered political parties have taken advantage of the new provisional question period to ask their own questions.

The House also amended the Standing Rules to add as a permanent daily agenda item, "Introduction of Guests and Congratulatory Messages."

In addition to procedural changes, New Brunswick's veteran Sergeant-at-Arms, **Leo F. McNulty**, appointed February 24, 1970, wears a new look. His new black court dress features a superfine livery coat, a cocked or "fore and aft hat," a silk wig bag at the back of his collar, and a wide black sash which supports his sword.

The Budget

On March 27, 1990, the Minister of Finance, Hon. **Allan Maher**, tabled his government's \$4.135 billion budget. The government forecast that ordinary account expenditures would increase by \$230.2 million over the 1989-90 Budget. This represents a growth in ordinary expenditures of 6.5% which is below the rate of growth of the economy expected to be 6.6% in 1990, about the same as the Canadian economy. Economic growth in New Brunswick in 1990, after adjusting for inflation, is forecast to be the highest in all of the Atlantic region.

The Budget, which contains no new taxes, will significantly increase funding in important areas such as health care, education, environmental protection, and job creation and includes a budgeted surplus of \$3.7 million, the third successive surplus in the ordinary account. Grants to universities will increase to \$143.9 million as

recommended by the Maritime Provinces Higher Education Commission; the budget for Health Care will exceed \$1 billion, an increase of \$85.9 million or 8.8% over last year, and the budget of the Department of Advanced Education and Training will increase by 7.9% or \$7.7 million.

Thirty million dollars in supplementary funding will be added to the 1990-91 Capital Budget for the Trans-Canada Highway and connecting links to Saint John.

Highway capital spending will total \$186.1 million including \$102 million on the province's arterial highway system.

Mr. Maher reaffirmed his government's commitment to the policy of balancing the needs of New Brunswickers with the province's ability to pay.

The 1987 Constitutional Accord

On Wednesday, March 21, 1990, Premier **Frank McKenna** introduced two resolutions, the first dealing with the ratification of the 1987 Constitutional Accord. The second resolution — referred to as the companion resolution — reflects many of the recommendations made by the Select Committee on the 1987 Constitutional Accord in its final report to the House in the fall of 1989. The companion resolution proposes:

(i) the addition to the interpretive clauses in the Accord of a further clause reflecting the principles of *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, by adding the recognition that "within New Brunswick, the English linguistic community and the French linguistic community have equality of status and equal rights and privileges;"

(ii) the entrenchment of *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*;

(iii) that the role of the Parliament and the Government of Canada to promote the fundamental characteristics of Canada also be affirmed;

(iv) that Section 28, which states that rights and freedoms are guaranteed equally to men and women, be added to a short list of other interpretive provisions in the Accord which are shielded from Section 2;

(v) that the Territorial Governments have the same opportunity as the Provinces to propose candidates for the Senate and the Supreme Court of Canada;

(vi) that the Senate, beginning in 1991, carry out an assessment of the results achieved in relation to the commitments of Parliament, the legislatures and governments toward the reduction of regional disparities, the promotion of equal opportunities and the principle of making equalization payments, as outlined in Section 36 of the *Constitution Act 1982*, and report the assessment to the First Ministers' Conference on the Economy immediately following; subsequent assessments would take place every five years;

(vii) that despite the wording in the Accord, new provinces could be established by proclamation of the Governor-General where so authorized by resolutions of the Senate and House of Commons.

(viii) that public hearings be held by Parliament and all affected provincial legislatures

before the adoption of any Constitutional amendments;

(ix) that roles and responsibilities in relation to fisheries be included only in the first Constitutional Conference following proclamation of the Accord, and that subsequently, it become part of the Annual First Ministers Conference on the Economy;

(x) that all matters directly affecting aboriginal people, including the identification and definition of rights, be included in future Constitutional agendas; and that representatives of aboriginal peoples and the territories be invited to participate in these discussions.

The companion resolution was debated in the House on March 21, 1990 and set over to May 1 along with the resolution for the passage of the Accord.

Committees

As a result of public hearings, the Standing Committee on Law Amendments presented two reports to the House. The first covered the work of the Committee with respect to the Discussion Paper concerning Municipal Conflict of Interest Legislation. The Committee recommended decriminalizing the municipal conflict of interest legislation and instead, having an administrative tribunal process examining instances of violation of the legislation; broadening the definition of what constitutes conflict of interest to include a direct or indirect pecuniary interest including gains as well as losses; and that legislation more clearly define trade unions. Under the proposed legislation, it would not be a conflict of interest for a councillor to be a member of a trade union, but union membership

would have to be disclosed if negotiations with a council or local board appointed by the municipality were ongoing and the councillor or elected official was party to those negotiations.

The Committee also recommended that the new legislation offer reprimands, temporary or permanent disqualifications from office, removal from office, and restitution to a municipality, if a loss occurs, with power in administrative tribunal to make any other order considered appropriate in the circumstances, rather than imposing fines or imprisonment for violations of the Act.

The Law Amendments Committee also presented a report pertaining to the Discussion Paper, *Strengthening Inshore Fishermen Associations* which had been referred to the Committee. The Committee was directed to examine and make recommendations regarding the implementation of new legislation providing for source deduction of dues for inshore fishermen organizations outside the collective bargaining process.

The Committee recommended the repeal of the *Fisheries Bargaining Act*; that support for strong inshore fishermen associations in New Brunswick be a priority, as a means of ensuring substantial involvement in government legislation of the fishing industry; that each of the three existing fishing zones be represented by an association voted upon by "bona fide" fishermen, that local regional fishing organizations within the three zones continue and that mandatory dues be a part of the proposed legislation in order to safeguard the long-term financial viability of inshore fishermen associations.

School Integration

The Special Committee on Social Policy Development mandated to review school integration presented its final report on April 17. The Committee's 17 recommendations were:

- that special-needs children have the right to have a regular, age-appropriate classroom as a homeroom; that a child's placement in the regular classroom not be delayed by assessment;
- that an effective appeals process be established and used whenever parents, and/or students are not satisfied with the placement or educational program decisions made by school boards;
- that the number and type of exceptional students in a classroom be a factor in determining class size; that immediate action be taken to resolve the serious shortage of professionals such as public health nurses, speech-language pathologists and other key players to ensure the success of the public school systems;
- that the Minister of Education continue to address the need for increased process development for teachers through in-service programs focusing on exceptional students and that teacher training institutions in New Brunswick commit themselves to increasing the programs dealing with the teaching of exceptional students and that these programs be made mandatory for the certification of all teachers;
- that the resource room be used to its fullest potential to better serve the needs of the individual student and a re-

sources and methods teacher be made available to every teacher serving exceptional students; that training and certification of teachers' aides and classroom attendants take place prior to any placement in the classroom;

- that each year, the budget reflect the funding requirements to meet the mandate of the *Schools Act*, which provides for integration.

In its final recommendation the Committee called for the appointment of a Royal Commission with a broad mandate to examine the education system.

Legislation

Thirty-nine Bills were introduced during the spring session with 28 Bills receiving Royal Assent.

Amendments to the *Fish and Wildlife Act* allow for the issuance of an angling lease to an Indian Band without holding a public auction. It will also allow the inclusion of angling waters under lease to the Crown, as well as Crown-owned water in such a lease to a Band.

The Minister of Natural Resources and Energy, **Morris Green**, in introducing the Bill explained that the amendments were essential to fulfill the government's commitment to a tripartite agreement among the Kingsclear Indian Band, the Department of Fisheries and Oceans and the Department of Natural Resources and Energy. In return for these exclusive angling privileges, the Kingsclear Band would forego the netting of Atlantic salmon, which is allowed under their federally issued food fishing permit.

The *Harness Racing Commission Act* provides the legal authority to establish a New Brunswick Racing Commission that would be responsible to the Minister of

Agriculture and would have the necessary authority to promote, govern, direct and regulate the harness racing industry in New Brunswick.

The *Arts Development Trust Fund Act* establishes a trust fund for the arts, to be funded annually from the profits of a lottery game designated by the Minister of Finance. The money from the fund would be used to provide grants to individuals and arts organizations so as to promote artistic creation and excellence in the arts.

The *Sport Development Trust Fund Act* establishes a trust fund for sport to provide grants to individual athletes and sports organizations, in order to promote leadership and excellence in sports.

Amendments to the *Evidence Act* remove an evidentiary restriction that applies to proceedings instituted in consequence of adultery. It makes spouses being prosecuted for provincial offenses competent, thought not compellable, to "disclose communications between them." It removes the rule that a case cannot be decided upon the uncorroborated evidence of a child.

Eight pieces of legislation were introduced on the final day of the Spring sitting including a new *Schools Act*, an *Outfitters Act* and an *Environmental Trust Fund Act*.

The new *Schools Act* serves as enabling legislation for school system operations. It is nonprescriptive and provides a balance between central government authority and responsibility and the flexibility which is essential at the school level. The new Act also reflects current rights legislation. Important additions include provisions for an appeals process for students and parents; access to information rights in respect to student records, and conflict of interest provisions have been widened.

The *Outfitters Act* would regulate outfitting activities within New

Brunswick, with respect to the licensing and disciplining of outfitters. An "outfitter" is defined in the Act as "a person who provides or offers to provide hunting, angling or canoe trips to paying customers." The Act would limit the number of outfitters in terms of the available fish, wildlife and recreation resources and the number of outfitters currently in the industry.

The *Environmental Trust Fund Act* establishes a source of "dedicated" funding to undertake action oriented activities which are consistent with the principles of sustainable economic development and environmentally friendly programs. These funds would assist government departments in undertaking projects which have a strong environmental component or assist non-government organizations in carrying out their environment-related community activities. The dedicated source of funding has been proposed as video gaming devices to be controlled under the *Lotteries Act* to a maximum of \$20 million per year.

Contributions to the fund will be encouraged and deemed to be gifts to Her Majesty, on behalf of the province.

The Act proposes six general categories of projects: environmental protection and enhancement; environmental remediation and restoration; promotion of sustainable development; resource conservation; environmental education and enhancement of the visual environment.

The funds management structure will include an Environmental Trust Fund Advisory Board to recommend projects to the Minister of the Environment.

On April 27, after sitting for 25 days, the spring sitting was adjourned to July 3, 1990. It is expected that the session will be reconvened earlier to deal with Bills

remaining on the Order and Notice Paper and possibly the two resolutions on the Meech Lake Accord.

In the interim, the Law Amendments Committee is expected to meet to receive input from the registered political parties on two Bills introduced in the House during the spring session, namely, *An Act to Amend the Police Act* which reflects the responsibilities of the Solicitor General in policing matters, and the reduced jurisdiction of the New Brunswick Police Commission and *An Act to Amend the Provincial Court Act* which would provide the authority to appoint three persons to the judicial council, and direct that every inquiry panel appointed to investigate complaints against judges of the Provincial Court include one of those lay members.

Student Legislative Seminar

The first student legislative seminar ever held in New Brunswick brought fifty-eight students representing high schools from across New Brunswick to the Legislative Assembly for a three-day seminar in late March.

The weekend combined a busy business program with social activities including a visit to the home of Their Honours Lieutenant-Governor, **Gilbert Finn** and Mrs. Finn.

The weekend concluded with a mock legislative assembly which was unquestionably the highlight of the weekend's activities.

Marc-Antoine Chiasson, a student from Petit-Rocher, told the group "this seminar made me proud to be a New Brunswicker".

The guest speakers for the seminar included Chief Judge **Hazen Strange**, Intergovernmental Affairs Minister, **Aldea Landry**; member of the Legislative Assembly, **Robert Simpson**;

Normand Martin, Deputy Minister of Education; **Harold Nason**, Clerk of the Executive Council; University of New Brunswick Professor, **Condé Grondin**; Fredericton High School teacher, **William Thorpe** and the three Clerks of the Legislative Assembly, **David Peterson**, **Loredana Catalli Sonier** and **Brenda Fraser**.

Financial support for the seminar was provided by The Association of Clerks at-the-Table in Canada, the Secretary of State, the Province of New Brunswick's Department of Intergovernmental Affairs, and the Legislative Assembly. Plans are already underway for a second seminar this fall.

Loredana Catalli Sonier
Clerk Assistant
New Brunswick Legislative
Assembly

Manitoba

It took an all-night sitting to end the second-longest legislative session (144 sitting days) in Manitoba's history. The second session of the 34th Legislature ended March 15 at about six o'clock in the morning — 21 days shy of the record 165 days. James McCrae, Minister of Justice and Attorney General, provided some perspective upon the start and length of the session: "Children born last May 18 are now picking themselves up off their knees and beginning to walk. I think it is only right that we take the time now to adjourn the House..."

Just over 100 Bills were introduced during the session and of the 70 which received Royal Assent, half did so in the early morning hours of the final sitting.

However, one of the most controversial Bills, and one which played a significant role in prolonging the session, was not among them. Bill No. 31, *The Labour Relations Amendment Act*, called for the immediate repeal of legislation providing for final offer selection (FOS), a form of arbitration where, upon application either by the union or the employer, workers vote to decide whether to ask a third party to resolve their contract dispute. This "selector" then chooses the final offer of one of the two parties. The Bill was introduced by Premier **Gary Filmon's** minority Conservative government and initially had the support of the Liberal Official Opposition. The New Democratic Party, who introduced the FOS legislation when they were in government, opposed its repeal.

After listening in the standing Committee on Industrial Relations, to almost seventy different representations from individuals and organizations, many of which tended to support the retention of FOS, the Liberal Party put forth an amendment proposing that the legislation concerning FOS not be repealed until the end of the year, and a review of the process be undertaken at that time. The NDP voted with the Liberals to pass the amended Bill in committee. However, in an unusual but not unprecedented series of events, the minority Conservative government (and the NDP) opposed the amended repeal Bill in the House — and the Bill was defeated.

Other pieces of legislation dealt with by the Assembly reflected the emphasis the government placed on environmental and ecological issues in its Speech from the Throne. The *Dangerous Goods Handling and Transportation Amendment Act*, concerned with regulating the storage and disposal of hazardous

waste, increased substantially the fines for any contravention of its provisions. Similarly stiff penalties were included in two new Acts, *The Ozone Depleting Substance Act* and *The Waste Reduction and Prevention and Consequential Amendments Act*. The latter is intended to ensure that industries begin to set and achieve goals, for recycling and using secondary materials in their manufacture and packaging. The other Act will prohibit the manufacture or use of products that contain ozone depleting substances. As well, Acts were passed that would protect endangered species of wildlife, and impose a reforestation tax on tree cutters.

With the Conservative government in a minority situation the Liberal and New Democrats managed not only to get agreement to a substantial number of amendments to such government Bills as those dealing with workers' compensation and family law, but also to see some of their own Bills receive Royal Assent. The Liberals were successful with *The Physically Disabled Persons Parking Act*, which sets fines for illegally parking in a spot designated for the handicapped, while the NDP achieved a ban on smoking in enclosed public spaces, such as banks, stores, day care centres and schools. They also succeeded in having passed an Act that places strict limits on the sale of solvents to minors. All these will be put into effect by proclamation.

Finally, one of the other goals the Conservative government achieved was enactment of *The Manitoba Data Services Disposition and Consequential Amendments Act*. This provided for the divestiture of Manitoba Data Services (MDS), the government's mainframe computer service bureau, to STM Systems Corporation for \$22 Million. The government stated the sale would

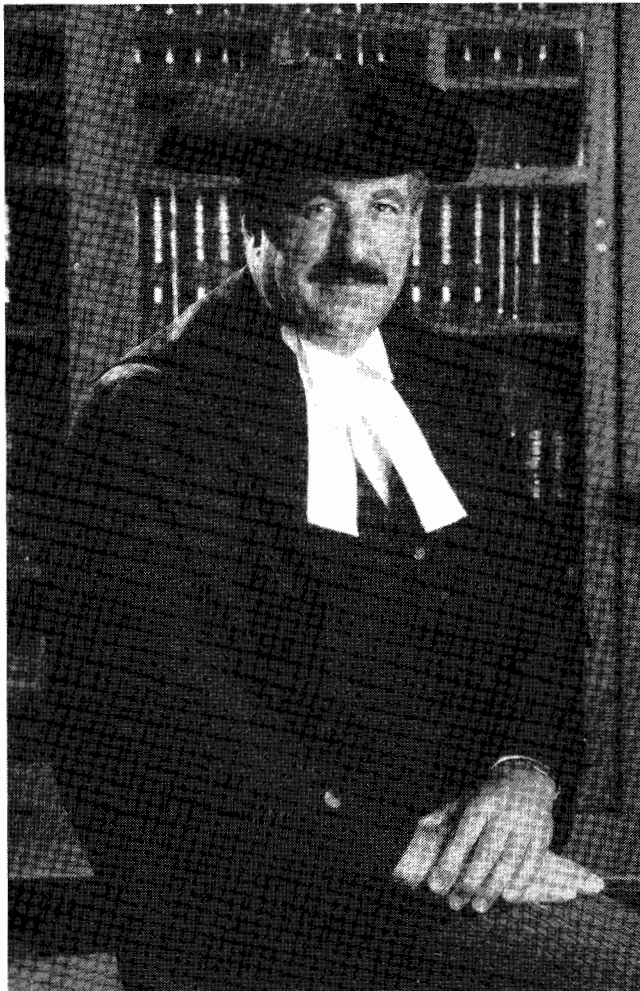
result in the creation of 22 new high-tech computer jobs and more than \$100 million in investment in Manitoba. Main criticism of the sale focused on the possibility of breaches of confidentiality and on the need to protect public information from unauthorized access. However, the government is confident that planned security requirements exceed current practice at MDS. There is in place in the sale agreement a provision that gives the government the right to take back the company at a significantly reduced cost in the unlikely event that a major breach of confidentiality occurs.

Thus, approximately 45 minutes before sunrise on the 144th sitting day the second session adjourned. A quote attributed to Premier Filmon that "minority government works" seems to have taken on added meaning in this province

Ray Serwylo
Production Assistant
Manitoba Hansard

British Columbia

Following a cabinet shuffle the former Speaker of the House, **John Reynolds** was appointed Minister of Environment. The new Speaker is **Stephen Rogers**. A native of Vancouver he attended Central Officers School of the RCAF in Ontario and was a pilot for Air Canada from 1966-1975. He was first elected to the House in 1975 and re-elected in 1979, 1983 and 1986. He was appointed Deputy Speaker in 1977 and has held several cabinet positions including Energy, Mines and Petroleum Resources; Health; Intergov-



**The new Speaker of the
British Columbia
Legislative Assembly
Hon. Stephen Rogers**

ernmental Relations; Transportation and Highways.

Austin Pelton was again elected Deputy Speaker and **Harry De Jong** was elected Deputy Chairman of the Committee of the Whole.

The fourth session of the 34th Parliament commenced on April 5, 1990 with the Speech from the Throne delivered by the Lieutenant Governor, **David C. Lam**. Several themes emerged from the Speech including the economic performance of the Province, the relationship between environment, industry and the public; and electoral reform. As well the Government plans to introduce a Provincial Public Sector Pay Equity Program, a British Columbia Pension Plan, greater equity and stability to property tax and assess-

ment; a new transportation plan for the Province; the University of Northern British Columbia to be located in Prince George; enhancements to the Renters' Tax Reduction Program and amendments to the *Employment Standards Act* to provide safeguards for employees experiencing lay-offs.

At the conclusion of the Speech and the customary pro forma motions, the Leader of the Opposition, **Michael Harcourt**, moved an amendment to the motion establishing ten select standing committees and one special committee. He called for creation of a Committee on Privileges and Ethics but the amendment was defeated. The Opposition subsequently

introduced amendments providing for the following additional committees: womens' equality, housing and the Goods and Service Tax.

The Public Accounts for the fiscal year 1988-89 and the report of the Auditor General were presented to the House by the Minister of Finance, **M.B. Couvelier**. Both documents were referred to the Select Standing Committee on Public Accounts. Other issues presently under study by other committees include the *Builders Lien Act*, *Structure Compensation Act*, and the Financial Planning and Advisory Industry, Log Exports and the Vancouver Log Market.

Mr. Couvelier also presented his 4th budget of the 34th Parliament on April 19. It anticipated general fund revenue for fiscal 1990-91 of about 15.26 billion dollars, with an equivalent estimated expenditure. He stated that this would be the Government's second consecutive balanced budget. The Opposition financial critic, **Glenn Clark**, voiced his concern that the predictability of a balanced budget could not be assured because of the accounting practices of the Government.

On April 10 leave was granted for an emergency debate on a motion by **Grace McCarthy**. It read: "be it resolved that the Legislative Assembly of British Columbia is absolutely and unequivocally opposed to the proposed Federal Goods and Services Tax and urges the Government of Canada to immediately withdraw the Goods and Services Tax legislation in the interest of all Canadians." The Motion was agreed to unanimously.

Joan L. Molsberry
Committees Secretary
British Columbia
Legislative Assembly

Senate

The Senate has been steadfast in pushing the limits of its constitutional envelope. While ever mindful of its unelected status vis-a-vis the Commons, it has persisted in exercising its constitutional rights, as the Senate sees them, in dealing with key Government legislation.

Bill C-21, *An Act to amend the Unemployment Insurance Act and the Employment and Immigration Department and Commission Act*, has reached a crucial juncture. Having

already been the subject of much procedural wrangling, raising the question of the Senate's right to amend legislation deemed to have implications to the fiscal policy of the Government, C-21 is again the subject of animosity between the two Chambers.

On May 9, 1990, the House of Commons passed a motion making amendments to certain Senate amendments and disagreeing with the remaining Senate amendments. Liberal Senators have amended Senator **C. William Doody's** (Deputy Leader of the Government) motion for concurrence to read as a motion requesting a conference. The Liberal amendment included in it procedural references to authorities



In June 1990 Stan Waters was officially called to the Senate of Canada. His name had been put forward by Premier Don Getty of Alberta following a province-wide election in that province nine months earlier.

on messages between Chambers, as well as precedents indicating that the Commons' reaction to the Senate message insisting on its amendments was incorrect. In the view of the Liberal Senators, it is extraordinary to continue suggesting alternative measures by message. It would be more appropriate, they say, to either request a conference with the Senate or allow the Bill to die on the Order Paper.

The Conservative Senators argue that the Senate is overplaying its constitutional hand. In their view the Senate should not persist in the final moment when it comes to responsibility for the public purse. It is the contention of the government Senators that the extent of change in government liability suggested by the Liberal amendments is so substantial that the balance of ways and means is threatened. Furthermore, they argue, the executive is ultimately responsible for its actions, whereas senators are not. Regardless, it is clear that the Senate is intent on attempting the use of a conference (or, more likely, a free conference) as a means of negotiating with the Government directly. (See the article on Conferences on p. 28)

Bill C-62, *An Act to amend the Excise Tax Act, the Criminal Code, the Customs Act, the Customs Tariff, the Excise Act, the Income Tax Act, the Statistics Act and the Tax Court of Canada Act* (more commonly known as the GST Bill), promises to bring the two Houses on a collision course as well. The Government, which lost two of its caucus members in the fight to get the Bill passed in the Commons, is anxious to have the legislation passed before summer adjournment in order to have all mechanisms in place for January 1, 1991.

The Senate Committee on Banking, Trade and Commerce,

chaired by Saskatoon Senator, **Sydney Buckwold**, will be holding public hearings across Canada, with the aim of reporting back to the Senate in late September. Public hearings will be held in most major centres, and provincial and territorial capitals during the month of July and early August. For further information please contact the Clerk of the Committee by writing to: 140 Wellington Street, The Senate of Canada, Ottawa, Ontario, K1A 0A4 or calling toll free 1-800-267-7362.

Bill C-28, *An Act to amend the Income Tax Act, the Federal-Provincial Fiscal Arrangements and Federal Post-secondary Education and Health Contributions Act, the Old Age Security Act, the Public Utilities Income Tax Transfer Act, the War Veterans Allowance Act and a related Act*, was reported to the Senate by the Banking Trade and Commerce Committee with two amendments. The Speaker was asked by the government Senators to rule upon the amendments. When the Speaker ruled amendment no. 2 out of order, Senator **Royce Frith** (Deputy Leader of the Opposition), in an unusual move, reserved his right to appeal from the Speaker's ruling at a later date.

Committee Reports

The Foreign Affairs Committee, which was authorized to monitor and report on the implementation and application in both countries of the *Canada-United States Free Trade Agreement Implementation Act*, has tabled the first of its reports on the subject. The Banking Trade and Commerce Committee completed its study of financial institutions in Canada and tabled its report May 15, 1990. Both reports may be secured by contacting the Clerk of the respective committee at the address or toll free number mentioned above.

Legislative Work

Bill C-16, *An Act to establish the Canadian Space Agency*, was passed by the Senate May 2, 1990. The Senate Committee on Social Affairs, Science and Technology, which studied the bill, reported it without amendments, but noting deep concern with the organization, accountability and program delivery of science and technology issues in Canada. Principally, the Committee felt that the new Space Agency should be perceptually and literally at arms length from government intervention.

In their view, the Agency should be free to pursue research solely for industrial and scientific benefit, out of reach of political objectives, such as regional development.

Bill C-43, the Abortion legislation recently passed by the Commons, is expected to receive a great deal of attention at second reading debate and then be referred to the Committee on Legal and Constitutional Affairs.

On June 5, Senators voted to give themselves a \$153.00 tax free per diem for attending Senate sittings, committee meetings or performing functions on behalf of the Senate. At the moment, living expenses paid to MPs and Senators are a lump sum payment made to offset expenses incurred as a result of their service in Ottawa. In attempting to reach a desirable ratio with the Commons, certain Senators felt the new amount should be tied directly to attendance.

Blair Armitage
Committee Clerk
The Senate

Ontario

On Tuesday, April 24, 1990, Ontario Treasurer, **Robert Nixon** presented to the House, his sixth Budget. For the second consecutive year, he reported Ontario's Budget was balanced, with a surplus of \$30 million and an operating surplus of \$3.2 billion.

The budget predicted 1.7% growth in the Ontario economy, a decline from 2.8% in 1989. Employment was expected to increase by only 64,000 in 1990, compared to 87,000 new jobs in the previous year. An increased unemployment rate of 5.6% (up from 5.1% in 1989) was forecast along with a fall in the inflation rate to 4.9% (from 5.8% in 1989). The decline was attributed to moderating house price increases, falling raw material prices and slowing demand in the economy, reflecting in turn the impact of high interest rates and the high exchange rate for the Canadian dollar.

Expenditures and revenues were both expected to increase by 6.8% to \$44.5 billion, with no requirement for general tax increases.

New initiatives were announced to provide interest rate assistance to farmers, to stimulate manufacturing investment, and to extend school capital funding. \$52 million was provided to initiate reform of long term care for the elderly and persons with disabilities.

Over the next four years, the Government pledged \$1.3 billion for capital funding for hospitals, with \$250 million allocated for 1990-91. Funding for the operating of hospitals increased 9.7% to \$6.6 billion, while total Ministry of Health spending was forecast to rise

by 10.9% to \$15.3 billion, or 34% of total provincial expenditures.

Committees

The Select Committee on Constitutional and Intergovernmental Affairs, chaired by **Allan W. Furlong**, commenced consideration of Senate reform on February 19, 1990. The Committee travelled to Ottawa and met with several Senators, including **Lowell Murray**, **Norm Atkins**, and **Allan J. MacEachen**. In addition, the Committee met with the Clerk of the Senate and the Assistant Law Clerk and Parliamentary Council.

In Toronto, the Committee has been meeting once a week and has invited a number of academics with backgrounds in political science and history to appear. One Senate reform proposal that is often discussed, is that of the Triple E. In an endeavor to understand this proposal and to discuss it in detail, the Committee invited two proponents of the Triple E Senate. **Bert Brown**, Chairman of the Canadian Committee on the Triple E Senate and **David Elton**, President of the Canada West foundation met with the Committee on May 29, 1990.

The Select Committee on Education, now chaired by **Sterling Campbell**, has been reviewing "Early Childhood Education". The Committee met during January and February 1990 and received 40 oral presentations. The review concerned the education of children from the ages of 3 to 9. The Committee met with educators, child care workers, school boards, trustees among others. The Committee was also interested in the training early childhood teachers receive. The Committee's report is expected in June 1990.

The Standing Committee on Estimates has not been sitting to

consider estimates since its report in November. However, since the tabling of the Ministries estimates for 1990-91, hearings will be underway by the end of May. The Chair, **George McCague**, MPP presided over the first round selection of estimates to be considered and will call upon the Committee to make its second round selection prior to the adjournment in June. The Committee is not expecting to hold meetings during the summer recess but will resume when the House reconvenes in September.

On December 5, 1989, Bill 68, *An Act to revise certain Acts respecting Insurance* was referred to the Standing Committee on General Government. Bill 68 proposed to establish a commission to regulate the automobile insurance industry in the context of a scheme of no-fault benefits. Hearings were held in Sudbury, Thunder Bay, Windsor and Ottawa. There were 20 days of hearings and 272 witnesses heard for a total of 104 hours. Four hundred and fourteen exhibits were filed in Committee. The Bill was presented to the Legislature as amended on Tuesday, March 20, 1990.

Norman Sterling, Chair of the Standing Committee on Government Agencies, presented a report dealing with the Ontario Food Terminal Board wherein the Committee recommended the House pass a bill removing the degree of control the Board possesses.

The Committee is in the final stages of considering a report on various agencies it has had under review. During the winter Adjournment, the Committee reviewed the Ontario Training Corporation, Ontario Custody Review Board, Apprenticeship And Tradesmen's Provincial Advisory

Committees and the College Relations Commission.

The report of the Committee dealing with the review of the Ontario Human Rights Commission is nearing completion and should be ready for presentation by the time the House adjourns for the summer Adjournment.

On Thursday, November 23, 1989, the Chair of the Standing Committee on the Ombudsman, **Murad Velshi**, presented the Committee's Report on Expansion of Jurisdiction of the Office of the Ombudsman and moved the adoption of its recommendation. The Report recommended that the Office not expand its jurisdiction.

The Committee met on March 21 and 22, 1989 to consider and write a special report on Farm "Q" Ltd. On Thursday, April 19, 1990, the Chair presented the Committee's Special Report on Farm "Q" Ltd. and moved the adoption of its recommendation that the matter be taken to arbitration.

The Standing Committee on Public Accounts, chaired by **Ed Philip**, met for three weeks during the winter Adjournment. The Committee re-called several ministries for more information on what changes had been made since the Committee had reported on their areas. The Committee also reviewed several sections of the 1989 Annual Report of the Provincial Auditor. The Committee released its Annual Report in May. This report reviewed the Committee's activities over the last year and included six reports on areas of the Provincial Auditor's 1988 Annual Report.

Taking advantage of the new Standing Orders which provide private members with the opportunity to designate a matter to be considered by a committee, **Richard Allen** asked that the Standing Committee on Social

Development conduct hearings into the issue of the expanding use of food banks in Ontario.

During three days of hearings, the Committee heard from users of food banks, from food bank operators, from the ministries of Health and Community and Social Services, from anti-hunger and anti-poverty advocates, and from advocates for immigrants, the disabled, children and the Native community.

One of the Committee's, and the witnesses' major concerns was that community-based food banks not become institutionalized as part of society's response to poverty and hunger. Because a disturbingly high proportion of those using food banks are children, many view hunger among children as a basic social justice issue.

In its substantial report, the Committee made a series of recommendations to the government which are designed to de-institutionalize the role of food banks and to remove disincentives to employment, such as increasing the minimum wage, investing in not-for-profit housing and establishing an Emergency Food Council.

House

Upon the reporting from General Government Committee of Bill 68, *An Act to amend certain Acts respecting Insurance*, a major portion of Government energy and time were expended in securing its passage. Opposition efforts to block the Bill were equally forceful, including innovative and precedent-setting filibuster tactics.

After a day and a half of debate in the House, the Government House Leader, **Chris Ward**, presented a motion for time allocation with respect to Bill 68. Opposition arguments that the Standing Orders did not provide for such a motion,

and that it was premature in view of the insufficient time for debate, did not prevail as Acting Speaker **Michael Breugh** ruled the motion in order. (No appeal to the House was possible since the Standing Order reforms of July 1989 abolished the procedure.)

There then followed immediately, in spite of Government efforts to the contrary, the longest debate on a time allocation motion in the history of the Ontario Legislature. Debate lasted 49 hours and 35 minutes over 18 days. Opposition members used a wide range of means that extended debate, including quorum calls, points of order, divisions and motions to adjourn the House or debate, the reading of many petitions and the introduction of many bills.

The longest single continuous contribution in this debate occurred on April 26 (and continued into April 27) when the House continued to meet beyond the ordinary hour of adjournment on the passage of a government motion and met for 17 hours and 24 minutes. Of this time, 17 hours and 15 minutes was taken up by the member for Welland-Thorold, **Peter Kormos**, who was interrupted on occasion by points of order, 4 divisions on motions to adjourn the debate, 3 divisions on motions to adjourn the House and a 20 minutes suspension of the meeting of the House until simultaneous interpretation facilities were made available. In all, Mr. Kormos spoke for 40 hours and 39 minutes between April 3 and April 26/27. An Opposition member moved an amendment to the motion on May 8, 1990.

On May 9, 1990, the government moved closure. After hearing arguments that the motion was out of order, Speaker **Hugh Edighoffer** ruled that it was in order as there had been ample time for debate. On

division, the closure motion, and then the time allocation motion, were agreed to. Following 3 days of further debate, Bill 68 received Third reading and Royal Assent on Monday, May 28, 1990.

New P.C. Leader

On May 12, the Progressive Conservative Party elected a new leader, **Michael Harris**, to replace interim leader **Andy Brandt**. The election process was new to Ontario politics in that all registered party members, not just selected delegates meeting in convention, were eligible to vote in their ridings, with results sent by FAX to Toronto for tabulation and posting.

Michael Harris was first elected to represent the Nipissing riding in 1981. In 1985, he served as Minister of Natural Resources and Minister of Energy under the last Progressive Conservative Premier, **Frank Miller**. Since 1987, he had served as P.C. House Leader.

Retirement of Members

In the final days of a session widely viewed as preceding a general election, many members' thoughts have been concentrated on the prospect of life after Parliament

. Among those who have announced they will retire after long years of service are: **Michael Breough** (First Deputy Chair of Committee of the Whole House), **Marion Bryden**, **John Eakins**, **Herbert Epp**, **Ray Haggerty**, **Jack Johnson** (Wellington), **Richard Johnston** (Scarborough West), **George McCague**, **Jack Riddell** and **Doug Wiseman**.

Assembly Services

For the convenience of Members and Legislature staff, a banking machine has been installed in the

main Legislative Building which permits one to withdraw cash only, but not to make deposits. The unit, a Royal Bank Cash Counter, provides service to any client who deals with a financial institution on the "Interac" system.

Douglas Arnott
Committee Clerk
Ontario Legislative Assembly

House of Commons

The months of April, May and June, - typically the busiest of the parliamentary year - have this year lived up to their reputation, if only for the unprecedented glare of publicity cast on constitutional questions in anticipation of the June 23 Meech Lake approval deadline. Somewhat overlooked in this period were more mundane but no less important changes to the conduct of private members' business, the naming of a new Deputy Speaker and the public reflections of a Committee on its own controversial proceedings.

Private Members' Business

Five years ago this June, when the Special Committee on the Reform of the House of Commons - the McGrath Committee - tabled its comprehensive report on House procedure, it paid special attention to the conduct of private members' business in an effort to enhance the role of the private member. An entirely new process was proposed, and the House eventually accepted many of the Committee's recommendations.

Since then, the new system - which provides for a random draw

of a limited number of bills and motions (20 in all) for priority consideration - has been fine tuned on several occasions, most recently on May 10, when wide-ranging changes were made on a provisional basis.

One of the more important modifications concerned the conduct of private members' business on supply days. Until May 10, private members' hour was bumped on any day devoted to the business of supply. The Standing Orders provide for 25 supply days in any given calendar year when the House is sitting; as such, many private members' days were lost. The changes adopted now provide that private members' business will proceed, even on supply days.

A second change provides that instead of a random draw of 20 items for priority consideration, Members' names will now be drawn in two separate draws: one for Members with bills and one for Members with motions. Once an equal number of names of Members with bills and Members with motions are drawn, another random draw will determine the final order for consideration of items. While complicated, this process guarantees against a flooding of the order of precedence (the 20 items names) with either motions or bills.

The changes will be in effect until the last sitting day in December, 1990.

Presiding Officers

On May 15, Prime Minister **Brian Mulroney** rose in his place to move the appointment of **André Champagne** as Deputy Speaker of the House following the resignation of **Marcel Danis** from that post earlier the same day. Mr. Danis was named to the Cabinet February 23rd, but had remained as Deputy

Speaker without exercising presiding officer functions in the House. Mr. Danis also revived an old precedent by remaining Chairman the Special Committee on the Review of the *Parliament of Canada Act* while a Minister of the Crown (the Honourable **Mitchell Sharp** was the last Minister to chair a committee, in the mid 1970s.)

Committees

The Standing Committee on Finance continued to make headlines during its study of the Goods and Services Tax legislation. On March 19, after the Committee had been considering the bill in

Committee for several days, debate began on a motion to complete proceedings on the bill according to a specific timetable. Thirty one hours later, the filibuster ended following a controversial decision by the Chairman, **Don Blenkarn**, to end debate on the motion.

The Committee subsequently reconsidered these events and reported to the House on April 30 that it viewed "with alarm the procedure whereby a Chairman may put an end to debate on a motion before a Committee by way of a ruling sustained by a majority of Committee members". The Committee further stated that it did

not consider the Chairman's decision to be a precedent. The House concurred in the report, which concluded with a recommendation that the House "consider the advisability of referring to the Standing Committee on Privileges and Elections the question of committees' rules and procedures as they relate to the limiting of debate in cases where a Committee has reached an impasse".

Marc Bosc
Procedural Clerk
House of Commons