
Legislative Reports

Manitoba

The first session of the Thirty-Fifth Legislature opened on October 11, 1990 with the Throne Speech by the Honourable **George Johnson**, Lieutenant-Governor of Manitoba.

In the speech the government, a Progressive Conservative majority led by Premier **Gary Filmon**, presented as its program the building of a strong economy, preserving quality health, education and social services and, while remaining committed to a united Canada with a strong federal Government, striving to secure constitutional reforms "so that the needs and concerns of the less populous regions of Canada are heard more clearly and with more effect."

Specific commitments were made to freeze personal income tax and attract investment, the latter to be achieved by such initiatives as a Manitoba Ambassadors Program, tapping the expertise and networks of former Manitobans to assist in finding investors and developing markets. An import profile and Industrial Capabilities Registry will also be established to identify potential markets and suppliers. Ways of fostering employee ownership will be looked at as an alternative to plant closings and business liquidations.

Technological changes and innovations will be addressed by a

skills training strategy, Workforce 2000, and by reconstituting the Manitoba Research Council as the Manitoba Innovations Council, with priority to provide expertise in technological research and assessment.

Regional and sectoral strategies will address the specific needs of northern and rural Manitoba, with the government strengthening rural infrastructure, expanding off-farm income opportunities, and establishing a Northern Development Commission for the purpose of securing sustainable economic growth. The government will also continue to pressure Ottawa to develop a social assistance program for grain producers, and institute initiatives to strengthen the farm economy, including more aggressive marketing to find new and expanded markets.

Under social priorities, health care is to continue to be the top spending priority of the government, improving mental health services and taking initiatives to "address the special needs and barriers to health services of the multicultural community." Another priority will be programs aimed at supporting the family, with the establishment of a Family Violence Court to deal with wife, child and elder abuse, the introduction of a home video classification system, and a strategy to deal with youth drug abuse, including the immediate establishment of a 12-bed treatment centre for adolescent women.

In terms of environmental issues, the emphasis will be on a sustainable development strategy

and an increase in the level of recycling in Manitoba through the continued use of the Environmental Innovation Fund, and the establishment of a Paper Collection and Marketing Association.

The Filmon government also stated it is prepared "to take the initiative when it comes to national renewal through constitutional negotiations." In this regard it will be advocating an Equal, Elected and Effective Senate as an element of renewed constitutional agreement, and will establish an all-Party Constitutional Task Force to seek further public input on the province's constitutional priorities.

Finally, noting that over the last two years the Manitoba Legislature had fallen behind the normal legislative cycle, resulting in last year's Estimates being approved only ten days before the fiscal year was over, the government outlined a very limited legislative agenda for the current Session. It will focus on passage of the Budget and Estimates and the introduction of legislation to ensure the provincial sales tax and the proposed GST would be applied side by side and not one upon the other.

In addition, a new *Residential Tenancies Act* will be introduced. Such an Act died on the order paper when the last Session ended. Critics of the government claimed Filmon's Progressive Conservatives were reacting to the concerns of landlords, particularly with a clause allowing the province to place liens on property in order to recover money it spent repairing buildings whose landlords had failed to comply with repair orders.

The government will reintroduce an amendment to *The Labour Relations Act* to repeal 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. The "selector" then chooses the final offer of one of the two parties. After a long debate last Session, the then minority PC government was unable to repeal FOS.

Both the Leader of the NDP Opposition, Gary Doer, and the Leader of the Liberals, Sharon Carstairs felt the Speech from the Throne focussed essentially on business and the economy, with little emphasis on social services, education, or the unemployed. Charging that the speech reveals a right-wing, pro-business agenda, Doer said, "If you read between the lines, this Speech from the Throne could have been written by Brian Mulroney himself. It's the same blind reliance on business. They never remember that in Manitoba the government has to have its hand on the wheel."

Mrs. Carstairs was concerned that people were scarcely mentioned in the speech. "All governments are facing a dilemma over how to maintain social services. It's obvious this government has made the decision not to maintain the same level of social services."

On October 24, 1990, Finance Minister Clayton Manness introduced the Filmon government's third budget to the Legislative Assembly, 16 months after the last one. In presenting the budget, Mr. Manness stated that what is required is to build for the future by managing equitably, creatively and reasonably, providing "the quality public services so essential to meet the needs and aspirations of Manitobans."

However, the Finance Minister added that "A true spirit of co-operation and partnership will be essential, as Manitoba moves through this difficult period ahead. All of us must pull together. Businesses must be especially prudent and reasonable in all their decisions. Labour must be more farsighted in its demands. Governments must learn to provide needed services more efficiently. It is simply not realistic to add to the tax burdens facing Manitobans, individuals and businesses alike."

Highlights of the budget included:

- \$30 million in Retail Sales Tax relief for consumers (with the government's decision to apply the provincial tax alongside the GST)
- Payroll Tax Credit of up to 0.3% of an employer's payroll for costs related to employee training
- no increase in personal income taxes
- 12.5 cent increase on a pack of 25 cigarettes
- extension, to December 31, 1991, of existing 1.5% special mining tax and a program of tax reduction for new small businesses for their first five years.

The government also announced a 7% increase, over the previous year's budgeted level, in combined funding for health care, education and family services: \$148 million more for health programs, an additional \$48 million to support family services, and an increase of \$37 million for education and training. There is also a 6% increase in funding for the Environment Department, a 174% increase in the Environmental Innovations Fund, and \$800,000 for the International Institute for Sustainable Development located in Winnipeg.

To reduce the estimated deficit to \$283 million, \$100 million was withdrawn from the Fiscal Stabilization Fund, a fund created in 1988-89 to help cushion shortfalls in periods of exceptionally slow revenue growth. Total revenue for the province of Manitoba is estimated to be near \$4.8 billion, up \$140 million from last year, while total spending for 1990-91 is estimated at \$5.1 billion, up 5.8%.

While Gary Doer, Leader of the Opposition, felt the budget was prepared by people with their heads in the sand while the recession takes place, the New Democratic Party did not introduce a non-confidence amendment. However, Sharon Carstairs and the Liberals did a 10-point amendment, charging that the government had failed to portray accurately and clearly the financial affairs of the province, failed to take any action to stem the destructive tide of bankruptcies in Manitoba, and failed to address the challenges faced by post-secondary educational institutions. On November 1, 1990, the amendment was defeated and the budget of the newly formed majority Progressive Conservative government was approved.

Ray Serwylo
Production Assistant
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Manitoba Legislative Assembly

New Brunswick

The Legislative Assembly resumed October 30, 1990, following a four-month adjournment.

In New Brunswick, a long standing belief has developed that if a Member presents a petition and complies with the Rules of the

House, he agrees with it and supports it. On the first day of the fall sitting, the Speaker was asked to clarify the practice with regard to the presentation by Members of petitions with which they may not necessarily approve or support. The Speaker in his ruling agreed that many members present petitions, not so much as a reflection of their position, but as a service to their constituents. He made it clear that in consenting to present a petition to the House, a Member does not necessarily commit himself to the views expressed in it.

Leaders of the registered political parties in New Brunswick continued to take advantage of changes in House procedure to ask their own questions of Ministers. The 30-minute provisional question period follows the Daily Question Period.

Another significant change in procedure adopted in the fall sitting allows leaders of registered political parties to present petitions in the House during the Ordinary Daily Routine of Business.

Capital Budget

On November 1, Minister of Finance, **Allan Maher**, continued the practice of tabling his government's Capital Budget for the next fiscal year during the fall session.

"The early introduction of the Capital Budget continues to be a very successful measure" claimed the Minister, adding that "it means there is sufficient time for projects to be well planned and allows contractors to make full use of the construction season."

For the third year in a row, the 1991-92 Capital Budget meets its target of \$300 million plus a supplemental \$30 million for highways.

The 1991-92 Capital Budget included funding for agriculture, alcoholism and drug dependency, education, environment, fisheries, health, higher education, tourism and transportation.

A record \$193.75 million has been allocated for capital projects in the Department of Transportation in 1991-92. Of this amount, \$137.75 million or 71% will be spent in upgrading the Trans-Canada Highway and other major routes in the province. While the province was making significant progress with its own resources, the Minister further stated that "an agreement with the federal government remains essential to fund a much needed four-lane Trans-Canada Highway system."

This year's capital budget lifted a moratorium on the construction of gymnasium facilities to existing schools and earmarked funds for school gymnasium projects and the construction of much needed new schools.

In the area of the environment, fiscal 1991-92 will see an increase of almost 50% in capital spending to support construction of vitally needed water and waste water systems in municipalities. A total of \$18 million in funding has been set aside for water supply and waste water treatment projects, as well as solid waste management.

Finally, the government made good on its promise to accelerate funding for a number of existing hospital projects by announcing the completion and opening of the two new regional hospitals in Edmundston and Campbellton in 1991-92, along with the new hospital in Tracadie. A total of \$18.1 million was provided in capital improvements and equipment for hospitals.

Legislation

Twenty-nine new pieces of legislation were introduced during the eight-day fall sitting. Noteworthy among the Bills introduced were the *Ambulance Services Act* and a new *Beverage Containers Act*.

Both pieces of legislation are the result of extensive public consultation through hearings of legislative committees.

The *Ambulance Services Act* ensures that a basic quality and level of ambulance service is available throughout the province, with provisions that will ensure the development of a balanced and integrated system of ambulance services. The proposed Act will transform the transportation ambulance service into a health service.

The *Beverage Containers Act* represents a totally new approach to beverage container management in the province. The new Act proposes to implement a deposit and return system. The comprehensive deposit refund system ensures that retailers will only sell beverages in containers that can be either refilled or recycled. Beverages covered under the new Act will include all soft drinks and alcoholic beverages such as beer, wine, liquor, and fruit and vegetable juices. Vendors of such products will be granted a period of exemption from the provisions of the Act to allow additional time for developing packaging compatible with the new legislation. Recognizing that implementation of the Act would require significant changes by manufacturers, distributors, bottlers, retailers, private recycling firms, the solid waste commission, nonprofit recyclers and consumers throughout the province, the government announced that all concerned stakeholders would be

provided with a full opportunity to discuss the legislation in detail before its implementation.

The government referred the *Beverage Containers Act*, after second reading, to the Law Amendments Committee for public hearings.

Also introduced during the fall sitting were amendments to the *Official Languages of New Brunswick Act* which establishes that parties to proceedings before courts and tribunals have the right to be heard by a court or tribunal which understands the official language in which each party has chosen to proceed.

Committees

A number of discussion papers were tabled in the House and referred to Standing and Special Committees of the Legislature for public hearings.

A discussion paper entitled "Private Woodlots: Considerations for Future Action" was tabled and referred to the Special Committee on Economic Policy Development for consideration and public input.

As a result of the government's review of human rights legislation, Minister of Labour, Mike McKee, tabled a discussion paper entitled "Towards a World Family: A Report and Recommendations Respecting Human Rights in New Brunswick". The paper, containing 152 recommendations, was referred to the Standing Committee on Law Amendments for public consultation.

As promised in the Throne Speech at the opening of the session, the government tabled a "Discussion Paper on the *Right to Information Act*" and referred it to a Special Committee of the Legislature for public hearings.

Also tabled in the House by Education Minister, Shirley Dysart, were documents relative to the

implementation of a Kindergarten Program announced by the government prior to the start of the fall sitting.

Committees of the Legislature are expected to maintain full and busy schedules during the recess of the House and, as expected, have already begun scheduling public hearings in the month of December.

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Alberta

Among the more prominent pieces of legislation introduced thus far in the second session of the 22nd legislature is the *Financial Consumer's Act*. This piece of legislation deals exclusively with the sale of financial products and services to consumers. Four features make up the essence of the *Financial Consumers Act*: required disclosure of important information to the consumer by the seller; increased options for consumers to seek redress when they have been improperly treated; specifically identified consumer responsibilities; and plain language requirements for financial documents.

The Lieutenant Governor has also granted Royal Assent to the *Individual's Rights Protection Amendment Act*. The legislation reforms the province's human rights legislation and contains fifteen amendments to the former *Individual Rights Protection Act*. The major changes include the addition of mental disability as a protected ground, the extension of protection from sexual harassment to domestics and live-in farm workers, and the protection of all preg-

nant women from gender discrimination.

The Lieutenant Governor granted Royal Assent to the *Premier's Council on Science and Technology Act*. This Act establishes a Council of influential Albertans whose responsibility it is to advise the government on matters of Science and Technology.

On March 22, 1990, Provincial Treasurer Dick Johnston introduced what was labelled a "deficit reduction budget". In presenting his budget, Mr. Johnston pledged to reduce the province's deficit by one billion dollars. He further stated that the quality of the province's core programs would not be affected by the government's spending cuts. Highlights of the budget included:

- no increase in personal income taxes.
- tax expenditures directed to the corporate sector would be reduced by about \$350 million in 1990-1991.
- an increase in the fuel tax by two cents per litre.
- an increase in the tobacco tax of twenty cents per cigarette package.
- a two percent tax on the capital of banks and other financial institutions.

The *Alberta Government Telephones Reorganization Act* introduced by the Minister of Technology, Research and Telecommunications Fred Stewart will lead to the eventual privatization of "Alberta Government Telephones". The sale will take place over a period of several years with the government retaining control of AGT for a limited arrangement to Albertans and the government will also limit the amount of foreign ownership in the company.

A review panel studying conflict of interest guidelines for MLAs, chaired by Chief Judge of the Pro-

vincial Court **Edward Wachowich** has released its report. The report called for an "ethics commissioner" to supervise the actions of cabinet ministers and MLAs.

New Democrat MLA **Stan Woloshyn** raised a point of privilege in the legislature on April 9. Mr. Woloshyn accused Tory MLA **Steve Zarusky** of being in a conflict-of-interest regarding an industrial development in which Mr. Zarusky held a financial interest. Mr. Zarusky then raised a point of privilege, stating that his privileges as an MLA were breached by Mr. Woloshyn's allegations. Mr. Woloshyn later raised his own point of privilege, stating that his privileges as a Member of the assembly were breached by Mr. Zarusky's actions.

Speaker **David Carter** later ruled that no *prima facie* case of privilege had been shown by either Mr. Zarusky's or Mr. Woloshyn's actions.

Mr. **Patrick Ledgerwood** was reappointed as Alberta's Chief Electoral Officer. Mr. Ledgerwood has served as a Colonel in the Canadian Armed Forces for a number of years after graduation from the R.C.F. staff college in Toronto.

On April 6, 1990 the "Alberta Greens" were officially registered as a provincial party in the province.

Thomas Neufeld

House of Commons

The House of Commons resumed its sitting on September 24, 1990, faced with a number of potentially volatile issues.

At the request of the Government, a Special Order Paper was published for the 24th, to permit the House to move immediately to the consideration of two motions, one regarding the invasion of Kuwait by Iraq, and the other to allow a debate on the situation involving the Mohawk peoples and the Canadian Forces at Oka and Châteauguay. The opposition parties contended throughout the first weeks of the sitting that the Government should have recalled Parliament during the summer recess in order to deal with these two crises. Questions of privilege were raised, but the Speaker ruled that the Government's decisions were political ones and not matters of privilege.

The air of tension escalated as Members returned to a House that included for the first time Members sitting as part of the Bloc Québécois. The Speaker was asked from the first day to rule on a number of questions regarding their privileges in the House. Over the first two months, these have included questions from the Bloc Québécois regarding their seating in the Chamber, their right to recognition during Question Period, on Ministers' statements and during debate, and questions from members of the recognized parties concerning the validity of the oaths of allegiance sworn by members of the Bloc Québécois.

On November 1, 1990, the Speaker ruled on this last question which was raised by **Jesse Flis** on October 3. Mr. Flis contended that **Gilles Duceppe** had disavowed his oath of allegiance by participating in a ceremony outside the House in which he had declared his loyalty to the people of Quebec. The Speaker reminded the House that Mr. Duceppe had stated that he had mocked neither the Parliament of Canada nor the Queen, and pointed

out that the swearing of the oath was a constitutional obligation which a Member is required to fulfil before being permitted to take his or her place in the House.

The House has also been affected by the events unfolding in the Senate over the fall months. The discord resulting from the efforts of the Government to have the GST legislation dealt with by the other place spilled over into the daily business of the Commons. Questions on the GST and the appointment of eight new Senators under a never-before-used section of the Constitution dominated Question Period for several weeks, as the opposition challenged the legitimacy of the Government's actions.

A rather alarming incident took place in the Chamber on October 17, 1990, and preoccupied the House for several days following. Students sitting in the public gallery during Question Period chose to express their opposition to changes to the student loans program by pelting the floor of the House with rice and macaroni. The following day the Parliamentary Secretary to the Government House Leader, **Albert Cooper** rose on a question of privilege in which he alleged that **Howard McCurdy**, the Member who had been putting a question to the Government at the time of the incident, had had prior knowledge of the students' plans, and was therefore in contempt of Parliament. Mr. McCurdy vociferously denied any involvement in the episode. The Speaker gave his ruling on the 6th of November, in which he stated that the word of an honourable Member is paramount in the House of Commons, and that Mr. McCurdy's denial closed that aspect of the matter.

The Speaker went on to express his concern over the incident itself, and invited Mr. Cooper to put to the

House a modified version of his motion to send the matter to the Standing Committee on Privileges and Elections for consideration. The motion was agreed to and the matter is now before the Committee.

The activities of various standing committees have been affected by events which have taken place since the resumption of the session. On October 5, 1990, the Chief Government Whip, **Jim Hawkes**, presented the 49th report of the Striking Committee, detailing the membership of the standing committees as required by Standing Order 104. The House at that time refused to give unanimous consent to allow the motion for concurrence to be put. The existing membership lists will continue in effect until such time as the report is concurred in.

Two standing committee chairmen have tendered their resignations recently, **Garth Turner** as Chairman of the Consumer and Corporate Affairs and Government Operations Standing Committee on September 18, 1990, and **Pat Nowlan** as Transport Committee Chairman on October 15, 1990.

Meanwhile, several points of privilege have been raised by Members of the opposition regarding the failure of various committees to hold meetings and deal with the business before them.

The time of the House has otherwise been occupied with several important and contentious pieces of legislation, among them the *Hibernia Development Project Act* (Bill C-44), the *Canadian Environmental Assessment Act* (Bill C-78) and the *Petro-Canada Public Participation Act* (Bill C-84).

As the House looks towards Christmas and the New Year, attention will almost certainly be focused on the Citizens Forum on Canada's Future. Prime Minister **Brian Mulroney** announced the

creation of the forum, to be headed by **Keith Spicer**, on November 1, 1990. The Liberal and New Democratic party leaders expressed guarded support for the measure, and will no doubt monitor the committee's progress carefully over the coming months.

The population of statues on Parliament Hill was increased by one on September 26 with the unveiling of the memorial to the Right Honourable **Lester B. Pearson**. The House of Commons suspended its sitting for an hour that afternoon to allow Members to attend the ceremony honouring the former Prime Minister.

Other comings and goings on the Hill have taken place in the Chair of the House and on the Board of Internal Economy. **Charles DeBlois**, Member for Beauport-Montmorency-Orléans, was appointed Assistant Deputy Chairman of Committees of the Whole House at the sitting on Tuesday, October 2, 1990. The nomination was supported by the Liberals and the NDP, but two independent Members associated with the Bloc Québécois refused to give their consent to the government motion, since they had not been consulted. The motion was agreed to on a recorded division.

Recent appointments to the Board of Internal Economy have included **Harvie Andre**, the Government House Leader and **Gilles Loiselle**, President of the Treasury Board on September 26, 1990. **David Dingwall**, Liberal Member for Cape Breton-East Richmond and Whip of the Official Opposition, was appointed to the Board on October 4, 1990, replacing **Herb Gray**.

Chris Trauttmansdorff
Procedural Clerk
Table Research Branch

Ontario

On September 6, 1990, the electorate shocked many observers by electing, for the first time in Ontario history, a New Democratic Party government, and a majority one at that. The NDP, under leader **Bob Rae**, won 74 out of 130 seats with 1,509,506 votes or 37.57%. This compares to only 19 seats and 25.8% of the vote garnered in the 1987 election. The Liberals, formerly the governing party and now the Official Opposition, won 36 seats with 1,302,134 votes and 32.4% (as compared to 95 seats and 47.2% in 1987). Under their new leader, **Michael Harris**, the Progressive Conservatives - who had governed Ontario for 43 years up until 1985 - remained in third position with 20 seats, receiving 944,564 votes or 23.5%. In 1987, the PCs held only 16 seats with 24.7% of the vote. Two other groupings, the Family Coalition Party and the Confederation of Regions Party, stood next with 2.76% and 1.89% of the popular vote respectively. Total voter turnout of 4,070,654 represented 64.4% of all eligible voters.

A record number of members were newly elected: 71 out of 130 (including 3 who had sat in previous parliaments). Twenty-eight women were elected, an increase from 21 in the previous House. Twenty sit on the government side, 5 are Liberals and 3 are PCs.

Premier **David Peterson** was defeated in his own constituency of London Centre by newly-elected NDP member **Marion Boyd**. In his place, former party leader and provincial Treasurer **Robert Nixon** was selected at a caucus meeting on

September 13 to serve as interim leader of the Liberal caucus until the party chooses a new leader next year. Mr. Nixon, now the dean of the House as well as interim Leader of the Opposition, has represented the southwestern Ontario riding of Brant-Haldimand for 28 years.

Cabinet

On October 1, Ms. Boyd was among a record 11 women appointed to Premier Rae's cabinet. The swearing-in of the 25-member cabinet – including 12 newly elected members – took place in ceremonial and celebratory fashion before a large audience in the 1,700 seat Convocation Hall of the University of Toronto. Just outside the building, or in the nearby committee rooms of Queen's Park, many more spectators watched the proceedings on television. In his address, Premier Rae pledged that his government would aim "to set taxes fairly, to spend wisely, to fight inequality, to promote justice, and to guard against institutional arrogance and the abuse of power wherever we may find it". Shortly after naming his cabinet, Premier Rae appointed 32 members as parliamentary assistants.

Six weeks after the election, the government's standing was reduced from 74 to 73 seats as one member, Tony Rizzo, left the NDP caucus to sit as an Independent. The departure immediately followed press reports of violations of provincial labour laws by Mr. Rizzo's bricklaying companies.

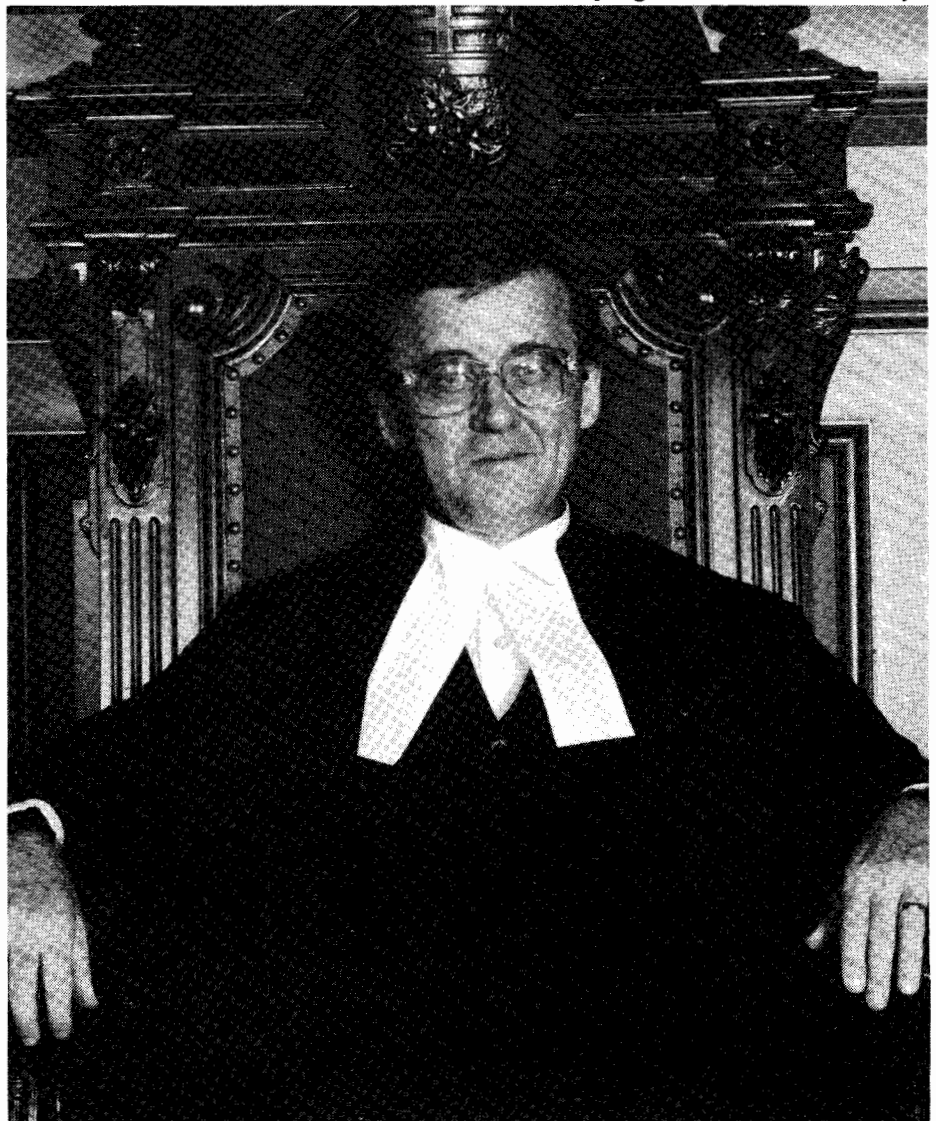
Election of Speaker

The summoning of the 35th Parliament of Ontario on Monday, November 19, saw another historic first: the nomination and contested election of a Speaker from among the members. The election process was presided over by the Clerk of

the Legislature, Claude DesRosiers. Four candidates were nominated and appeared on the first ballot: Gilles Morin, Jean Poirier, Norm Sterling and David Warner. Each member wishing to vote printed the name of his or her candidate on an authorized ballot paper and deposited the paper in a ballot box on the Table. After the conclusion of voting, ballots were counted in secret by the Clerks-at-the-Table in the presence of one member of each of the recognized parties in the House. The Clerk announced that

no member received a majority of the votes cast and that a second ballot would take place. At the conclusion of counting of the second round, the Clerk announced the election of Mr. Warner as Speaker. Speaker Warner is a secondary school teacher and veteran legislator, having been previously elected in general elections of 1975, 1977 and 1985, (and defeated in alternate election years 1981 and 1987).

Referring to this hopscotch pattern, Speaker Warner began, "As I was saying before I was so rudely



Speaker David Warner

interrupted some three years ago...". He went on to pledge his all to ensuring "an atmosphere of mutual respect", indeed, a "model" legislature "where calm and reason can be the order of the day and personal invective has no place."

On motion by the Government House Leader, **Shelley Martel**, other officers of the House were later appointed as follows: **Gilles Morin**, Deputy Speaker and Chair of the Committee; **Karen Haslam**, First Deputy Chair of the Committee of the Whole House; **Noble Villeneuve**, Second Deputy Chair of the Committee of the Whole House.

Throne Speech

On November 20, the Lieutenant-Governor, **Lincoln Alexander**, read the first Throne Speech of the NDP government. The Speech promised "an ambitious pace of change", and reminded Ontarians that "politics is about far more than what we can all get: it is also about what we owe each other. Too many people have been left out and need to be included. The values of community and solidarity have been undermined and ignored. Quite simply, there is too much poverty and inequality in Ontario."

Addressing issues of integrity in government, the Speech promised: clear standards of conduct for ministers, members of the legislature and senior government officials; "whistle blowing" guidelines to protect public employees; new conflict of interest legislation for provincial and municipal politicians; a fairer process for appointments to agencies, boards and commissions.

As one recession-fighting measure, the government announced the immediate allocation of \$700 million for public works maintenance and renovation.

The government also pledged to introduce a wage protection fund for the workers of bankrupt companies; support for labour adjustment committees in industries affected by dislocation; and stronger measures on layoff notice, severance and other adjustment issues.

The Throne Speech set out commitments for the government's 5-year mandate to: achieve equitable wages for all Ontario women; increase the minimum wage to 60% of the average industrial wage; introduce pension reforms; revise rent review legislation; increase the supply of affordable housing, especially non-profit housing; extend child care; continue reform of the social assistance system; and combat violence against women and children.

A "common pause day" was promised to limit Sunday shopping. A Fair Tax Commission was announced to study the establishment of a more equitable tax system.

Also to be introduced are an environmental bill of rights and a safe drinking water act to set standards for water treatment. A moratorium was announced on new nuclear power facilities, while Ontario Hydro was asked to divert planned expenditures for new nuclear development toward energy conservation and efficiency programs.

The government undertook to introduce in the spring session a driver-owned system to deliver car insurance.

In leading the response of the Official Opposition to the Throne Speech, Opposition leader **Robert Nixon** criticized the "vagueness" of approach in the document, "very much like the other speeches I have heard over the years...very long on principle, some homily, quite a lot of motherhood...". After defending

the record of the previous Liberal government and the philosophical value of liberalism, Mr. Nixon moved an amendment to the motion for adoption of the Throne Speech to condemn the government for: its failure to fulfil commitments made in its electoral platform, Agenda for People; for a lack of initiatives to encourage new investment and jobs; and a failure to set policy priorities and funding for environment, health, agriculture and northern development.

Progressive Conservative leader **Michael Harris** addressed his remarks to economic problems facing the province, distinguishing his party's response from those of either the present or former government. PCs intend, he said, "to challenge the notion that by limiting individual freedom through excessive taxation and an even more complex web of bureaucracy and red tape, government is actually helping outsiders". He too moved an amendment to condemn the government for failing, among other items, to commit to a restraint policy to control growth and cost of government and reduce the tax burden; and to act on needs for a new financial partnership with municipalities, coherent regional development, preservation of farm land and interest rate relief for farmers.

Douglas Arnott
Committee Clerk
Ontario Legislative Assembly

Senate

The Senate has seen some remarkable events this Fall.

Central to the fray has been Bill C-62, the legislation which would implement the Government's Goods and Services Tax.

Imaginative use of the Senate's rules – which were never designed to accommodate the special demands of persistent partisan procedural wrangling by both sides in the Senate Chamber – has led to confrontations familiar now to any who have followed the affair in the media. At the heart of the matter have been some controversial decisions taken by the Speaker, Senator **Guy Charbonneau**, and upheld on appeal by the now-dominant Conservative Party senators.

Early in the Fall sitting, the Liberal senators attempted to press the adoption of the report of the Standing Senate Committee on Banking, Trade and Commerce, which recommended the outright veto of the bill. The Committee had held hearings across Canada in the provincial and territorial capitals and they were marked by bitter exchanges amongst Government and Opposition members as well as witnesses.

The Liberals wanted to push the adoption of the Committee's report because, although they held the balance of partisan power, a number of vacancies were extant and speculation was rampant that Prime Minister **Brian Mulroney** would seek Her Majesty The Queen's permission to invoke section 26 of the Constitution of Canada, which allows for the establishment of either one or two Senate seats for each of Canada's four regions. With this provision in place, the Conservatives would be in a position to finally carry the Senate without having to compromise with the Opposition. However, the Senate rules favour not the majority necessarily, but those who wish to prolong

deliberations. The Conservatives delayed consideration of the Committee report by raising numerous points of privilege until finally the Prime Minister fulfilled their expectations by filling all vacancies and taking the unprecedented step of adding eight divisional senators to the Senate Chamber, over the course of a handful of days. In order to protest this move the Liberals stalled Senate business over a number of days by allowing the division bells to ring.

The Liberals finally returned to the Chamber on October 4, 1990, where they heard the Speaker's ruling on a special motion by Senator **Royce Frith**, Deputy Leader of the Opposition, which demanded the Senate take action on a matter which he felt was a breach of privilege. The Speaker agreed with the point of order raised by Senator **Lowell Murray**, Leader of the Government in the Senate, who argued that before debating Senator Frith's motion, a *prima facie* case had to be proven. The Speaker thus ruled that, there being no *prima facie* case of privilege, Senator Frith's motion was out of order. The Liberals responded by promptly moving the adjournment of the house and walking out on the division bells once again, claiming to the media that another extended "bell-ringing" was to be expected. The bells started ringing at 2:40 p.m. on October 4. At 5:25 p.m. that same day, the Speaker ordered the doors of the Chamber to be locked – the usual preamble to a division – and proceeded with putting the question to the motion, which was soundly defeated, since no Liberals were in the Chamber.

This decision led to charges by the Liberals that the Senate had been "hijacked". Senator Frith read into the record a letter addressed to Senate Party officials and independent senators from the

Speaker. In it the Speaker, citing "...the failure of the mechanisms established...within the Senate to assemble senators within a reasonable time...", announced that he would "...proceed to put the question now before the Senate at 5:30 p.m. this day". The Speaker cited his duty to "...protect the rights of individual senators to perform their duties". Senator Frith stated that he received the letter at 5:00 p.m. On a point of privilege, he asked the Speaker to justify his actions, especially in view of the procedures outlined in the Rules of the Senate of Canada, noting page 70 which outlines a procedure where the bells are rung until both Whips have indicated their readiness to proceed to the vote. Following Senator Frith, numerous senators followed claiming that since they had not received their letter notifying them of the Speaker's intent, that their privileges had been abused. After prolonged debate, and much emotion, the business of the Senate stalled by the Liberal senators' refusal to hear anything put by the Speaker, the Senate adjourned October 5, 1990.

Thanks to the peculiarities of procedural accounting, October 9, 1990 was a particularly long day, ending nine days later on the 18th of October. During this time, recitations of the Rules of the Senate, extracts from the Bible, readings from procedural authorities and presentations of petitions against the GST filled the air as Liberal senators refused to acknowledge the Speaker and protested what they felt was an abuse of their privileges. After protracted negotiations, provisional rules were agreed upon which were adopted by the Senate, covering procedures for divisions, adjournments and votes. In addition, the two sides came to an agreement regarding the

dispatch of several major pieces of legislation, including: Bill C-28; Bill C-21, the bill amending the *Unemployment Insurance Act* which had been the object of major disagreement between the two Houses and which had been in peril of being lost; Bill C-62 at report stage; and Bill C-44, the *Act respecting the Hibernia Development Project*. Finally, and most importantly to the Conservatives, a formula allowing the Liberals to move eight amendments with six hours' debate each to Bill C-62 on third reading was adopted. The stage was set for a final showdown on the GST

The Liberals' amendments addressed subjects they felt needed special attention. Included in the amendments were appeals for special consideration of the publishing industry; children's clothing; non-prescription drugs; the people and communities of the North; certain services such as funeral, passenger transportation, medical and educational, among others; the tax credit threshold; and co-operative organizations, to name a few. Given the time-frame within

which they had to work, the Conservative senators argued, they had no choice but to defeat all eight of the Liberal amendments, which they did.

When the eighth and final Liberal amendment had been defeated, Senator Murray quickly stood and, in competition with Liberal and independent senators trying to gain the floor, moved the previous question on Bill C-62. Another uproar occurred since at least two independent senators – Senator **Stan Waters** and Senator **Ed Lawson** – wished to move amendments to Bill C-62 and felt they were outside the provisions of any special order negotiated by parties to which they did not belong. The sitting was suspended and a further deal negotiated allowing one amendment each to the above-mentioned senators, with fixed time limits. Once the independents' amendments had been debated and defeated, the previous question motion was put and the final leg of the GST marathon struggle in the Senate was begun.

To date, the Liberals have been engaging in a prolonged filibuster, with some senators, such as **Jacques Hébert**, **Joyce Fairbairn** and **Philippe Gigantes** clocking notable time on their feet. Scheduled suspensions of the Senate's business and "tag-team" questioning techniques where lengthy questions are posed by colleagues in order to give the speaker time to recuperate cooperate to assist the Liberals in stretching the time they are able to spend on their feet. Concerns about the strain these lengthy speeches might be placing on the health of senators were heightened when **Earl Hastings** abruptly curtailed his own address, displaying symptoms of severe exhaustion.

By the time of publication of this issue, the final determination of Bill C-62 should be apparent. With its close, no matter what the outcome the Senate will have turned the final page on an interesting chapter in its legislative history.

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