
Legislative Reports



Northwest Territories

The seventh session of the Northwest Territories' Eleventh Legislative Assembly prorogued on November 6, 1990, after 20 sitting days during which MLAs dealt with environmental issues, the economy and electoral district boundary changes.

Commissioner's Address

Commissioner Daniel L. Norris opened the session on October 10, 1990, detailing national issues which could impact on the pace of political, economic and social development in the NWT. The failure of the Meech Lake Accord and the crisis over Mohawk lands at Oka will require new thinking on the part of all provinces and the territories, he noted, affirming the Government of the Northwest Territories' commitment to do what it can to assist in the final resolution of land claims and aboriginal self-government, and its concern over recent difficulties with the resolution of the Dene-Metis claim.

The beginning stages of a recession in the rest of Canada and federal preoccupation with extremely critical national and international issues, means that heading into the final year of its mandate, the Territorial Government must be practical and use common sense rather than confrontation in its approach to

problem-solving. He pointed out that under a consensus system, the Legislative Assembly has a unique opportunity to work together to meet the long-term interests of constituents, and outlined the government's plans to take further steps toward long term development of the economy, and to put forward a number of major initiatives on the environment.

The Environment

Environmental concerns predominated throughout this session. MLAs passed critical amendments to the *Environmental Protection Act*, put forward by the Minister of Renewable Resources, Titus Allooloo. The revised Act clarifies provisions dealing with the discharge of contaminants, increases maximum penalties, expands the kinds of orders the Court may make, and provides that directors of a corporation maybe held personally liable for offenses committed by a corporation.

The minister also tabled the Northwest Territories Sustainable Development Policy, which formally recognizes the link between environmental and economic development, and will promote resource management; maintain and enhance environmental quality; establish conservation areas; develop non-renewable resources which provide lasting social and economic benefits while maintaining ecological processes and natural diversity; and promote co-operation in the management of transboundary resources.

MLAs also passed a precedent-setting Private Member's Public Bill on environmental rights. Brought before the House by Brian Lewis, MLA Yellowknife Centre, the *Environmental Rights Act* gives residents the right to take direct action against anyone who harms the environment. It is the first bill of its kind to receive passage in Canada, and the first private Member's bill to be passed by the NWT Assembly.

Expressing concern over potential harm to the NWT environment from effluents flowing into the Slave-Mackenzie watershed if plans to build pulp mills in Alberta go ahead, the Assembly passed a motion to take legal action if the Alberta Pacific Forest Industries (ALPAC) mill is approved without further public hearings in the NWT, and to continue negotiations between the GNWT and the Government of Alberta over a transboundary water agreement with full involvement of aboriginal peoples.

Electoral Boundary Changes

This session saw the creation of two new ridings; the removal of two others; and changes to boundaries in a number of ridings, as MLAs approved the recommendations of the 1989/90 Electoral Boundaries Commission, with a number of amendments.

Members supported the Commission's recommendation that extremes of under representation and over representation be eliminated. They also upheld the principle that no single community

should be allowed to dominate the Legislative Assembly.

Social Assistance Rates Increased

MLAs approved a motion by the Member for Lac La Martre, **Henry Zoe**, to have the Department of Social Services increase social assistance rates by 8 per cent; increase the clothing allowance by 100 per cent; and conduct a food basket survey in 1991. The motion also recommended that the minister consider implementing indexing of social assistance rates to the cost of living by April, 1992, and that the minister report back to the Assembly during the Eighth session on the department's plans to implement these recommendations.

Economic Initiatives

The Report of the Special Committee on the Northern Economy was tabled for the third time by the Committee and finally debated and adopted by the House. The Committee recognized that the Executive Council had reviewed the SCONE Report and developed policies and strategies to address a number of its recommendations. **Brian Lewis**, one of the Co-Chairmen, stressed that the SCONE Report is a blue-print for the future, and now gives the government a clear direction to follow to address the Territories' economic future.

The Minister of Transportation presented and tabled the government's Transportation Strategy, the first-ever long term plan for transportation in the Northwest Territories, stating that a better transportation system will create opportunities for mining, tourism, fishing, trade and travel between communities. The strategy addresses five basic problems: great distances; inadequate airport facilities; an under-developed

highway system; inadequate existing highways; and almost non-existent marine facilities. Implementing the plan is expected to cost \$2.7 billion more than is currently being spent, spread over the next 20 years.

Land Claims

During the Seventh Session, the Associate Minister for Aboriginal Rights and Constitutional Development announced that the Territorial Government and the Tungavik Federation of Nunavut have reached agreement on a process to be used for planning a Nunavut Territory and that a letter would be sent to the Prime Minister defining the general process, and requesting a meeting to obtain Ottawa's agreement on the approach.

Legislation

Seventeen new or amended Bills passed during this session including:

- *Child Welfare Act*; to add the requirement for reasonable grounds for apprehension and to exempt authorized persons from liability;
- *Cities, Towns and Villages Act*; to increase maximum fines for infraction of municipal by-laws;
- *Civil Emergency Measures Act*; to allow a local authority to conduct a search outside the boundaries of the community;
- *Dental Profession Act*; to allow a dentist registered under Part III to apply for an extension of one to three years to complete requirements for registration, and to establish a Student Register;
- *Petroleum Products Tax Act*; to remove the section stating

that no tax is payable by the Government of Canada;

- *Public Service Act*; to amend it to conform with the Affirmative Action Policy and to require the minister to revoke an appointment when an appeal is granted by the Staffing Appeals Committee;
- *Local Authorities Elections Act*; to set a deadline for payment of municipal property taxes by election candidates, and to allow local authorities to place photographs on ballots;
- *Legislative Assembly Building Loan Authorization Act*; to authorize the Commissioner to make loans of up to \$12 million to the NWT Legislative Assembly Building Society to finance construction of a Legislative Building for the Territories;
- *Elections Act*; amendments to allow polling stations to stay open later if their opening has been delayed; to provide that candidates must notify the Chief Electoral Officer if they give surplus campaign contributions to charitable organizations; to allow candidates to pay and be reimbursed for reasonable travel and living expenses; and to allow unsuccessful candidates to request an extension of the time for making declarations of campaign contributions and expenses.

Session to Reconvene

In proroguing the Seventh Session, Commissioner Norris announced that the Eighth Session of the Eleventh Legislative Assembly would commence in Yellowknife on February 13, 1991.

Sharon Hall
Public Affairs Officer
NWT Legislative Assembly

New Brunswick

In the interim between prorogation of the Third Session and the Spring Opening of the Fourth Session of the Fifty-first Legislative Assembly, legislators considered bills and special papers referred to various Standing and Special Committees. Meanwhile legislative staff prepared to host New Brunswick's second Student Legislative Seminar.

Committees

Referred to the Law Amendments Committee for public hearings were the *Beverage Containers Act*; the *Succession Law Amendment Act*; and the *Survivorship Act*.

At public hearings in December and January more than forty groups or individuals spoke to the *Beverage Containers Act*. This Act proposes to implement a deposit return system which will require significant changes for retailers, recyclers, manufacturers and consumers.

In February, the Committee will hold public hearings on the *Succession Law Amendment Act*, and the *Survivorship Act*. In addition, a document, *Towards a World Family - A Report and Recommendations Respecting Human Rights in New Brunswick*, was referred to the Committee for public hearings. The terms of reference were to inquire into, study, and prepare a report including recommendations for legislative changes on the following issues:

- whether the current human rights law conforms with the requirements of the *Canadian Charter of Rights and Freedoms*;

- whether the orientation and scope of the current law are appropriate to address problems and expectations in the human rights area;
- the appropriate composition of the Human Rights Commission, and the terms of office and functions of the body's Chairperson, Commissioners and staff;
- whether the mandate of the Human Rights Commission is adequate and appropriate;
- whether the procedures and remedies currently provided for human rights issues are adequate and appropriate;
- any other issues regarding human rights or related matters considered significant.

Public input will be sought with regard to the subject matter of *A Discussion Paper on the Right to Information Act*, which was referred to the Special Committee on Social Policy Development. This paper provides background information, reviews the operation and administration of the Act, compares similar legislation in other Canadian jurisdictions, and recommends changes to both the legislation and administrative practices.

The document *Private Woodlots: Consideration for Future Action* was tabled in the House November 1, 1990 and referred to the Special Committee on Economic Policy Development. This document elicited more than 200 responses from persons or associations who wished to address this subject matter. The paper's terms of reference are to solicit ideas and views of interested parties. This paper provides a summary of studies, including numerous recommendations toward the rationalization of forest policy and programs related to the private woodlot sector in New Brunswick.

The document incorporates a summary of recommendations from the *Private Woodlot Resources Study* commissioned in 1981, as well as *Framework for Action* (1986), *Recommendations Concerning Regional Forest Management and Utilization on Private Woodlots in New Brunswick* (1986), and the *Report to the Minister of Natural Resources and Energy on Changes in Legislation Regarding the Authority and Administration of the New Brunswick Forest Products Commission, and Forest Products Marketing Boards* (1989). Public hearings are scheduled in various locations in the province.

The Standing Committee on Public Accounts examined the annual reports of government departments for the last fiscal year, and the Standing Committee on Crown Corporations is scheduled to examine those of the various corporations.

Student Legislative Seminar

New Brunswick's Legislative Assembly, in conjunction with the Association of Clerks-at-the-Table and the Department of Intergovernmental Affairs, hosted the Second Student Legislative Seminar, March 22 to March 24, 1991. Fifty-eight senior high school students representing the 58 provincial constituencies participated. The goals of the seminar are: (1) to provide students with a better understanding of the mechanisms of the provincial government; (2) to encourage the use of the model parliament forum in New Brunswick high schools and; (3) to promote positive relations between Anglophone and Francophone students.

Diane Taylor Myles
New Brunswick Legislative
Assembly

Manitoba

The initial session of the Thirty-fifth Legislature of Manitoba continued throughout November and into December of 1990. Due to the near record length of the previous session, this one was viewed by all three parties as a housekeeping session, convened to deal with spending estimates for the fiscal year which will end in March, 1991.

Besides the estimates, two major Acts were dealt with which had originally been introduced in the previous session. The *Labour Relations Amendment Act*, which repeals provision for final offer selection, a form of binding arbitration in labour negotiations, and which did not get passed under the previous minority Progressive Conservative government led by Premier Gary Filmon. Now with a majority the PCs were successful in obtaining Assembly approval of the amendment.

Similarly, The *Residential Tenancies and Consequential Amendments Act* was introduced in the last session but died on the order paper, with the NDP claiming the government had caved-in to landlords who opposed such proposals as allowing the province to take control of buildings whose landlords failed to comply with repair orders, and including the establishment of a residential tenancies commission to make binding rulings on landlord-tenant disputes. The new bill re-introduced this session was considered even by the NDP housing critic, Doug Martindale, as one that had "not been substantially changed," and it was subsequently passed.

A third piece of legislation, The *Business Practices Act*, also died on the order paper last March and was re-introduced and passed in this session. The legislation offers consumers protection from individuals or companies who make misleading claims about goods or services they provide, and prohibits transactions where consumers, who are incapable of defending their own interests, are taken advantage of.

Ed Connery, Minister responsible for the bill, stated that "Legislation, like wine, improves with age..." and that this version of the bill was even better than last year's. Jim Maloway, NDP consumer affairs critic, in comparing it to the previous bill, was quoted as saying that "What has happened since then is the business community got to them and basically they have taken out all of the things that they don't like."

Among the more substantial pieces of new legislation passed was The *Ombudsman Amendment Act*, which would allow the Provincial Ombudsman to enter into an agreement with and provide his or her services to the City of Winnipeg, also employment legislation that improves parental leave benefits, increasing the possible amount of combined maternity and parental leave to 34 weeks.

A number of relatively routine pieces of legislation were also passed. These dealt with the re-enactment of statutes, though the latter was hardly routine in its origin. The Supreme Court of Canada in 1985 ruled that, to gain validity, all Manitoba laws in the future must be enacted in English and French, and all previous ones would have to be re-enacted, printed, and published in both languages by December 31, 1990. Consequently, over 250 private and

public Acts were re-enacted, and an even greater number repealed.

At the beginning of December, Premier Gary Filmon made a statement to the House outlining the establishment of an all-party Constitutional Task Force. Its mandate would not be to "...propose a series of specific constitutional amendments..." but "...to assist the Government in establishing a positive agenda for constitutional reform." Specific areas to be looked at are to include Senate reform, aboriginal rights, the amending process for constitutional reform, and the division of powers between the federal and provincial governments.

Selected to be chairperson of the task force is Professor Wally Fox-Decent, who chaired the province's Meech Lake Task Force in 1989. He will be joined by three members from the government side; two members from the NDP; and one Liberal. Public hearings started in January, and an interim report is expected by the end of March.

The consideration of expenditure estimates and debates on bills proceeded fairly smoothly and expeditiously, with MLAs from all three parties appearing to want an adjournment well before Christmas, however this co-operation was threatened when the government introduced an environmental bill in the last week of November. The *Environment Amendment Act* was a bill of only four clauses, but there was a great deal of opposition to it by the NDP, the Liberals, and environmentalists.

The bill proposed to allow the government, in considering the environmental impact of a new development to establish a joint assessment process with any other jurisdiction affected by the project; or indeed to simply provide for the use of the other province's (or the federal government's) assessment

process. Critics felt the bill would limit the effectiveness and independence of any body reviewing a proposal, and voiced their concerns that in any joint review, where standards differ between jurisdictions, the least rigorous would be chosen.

However, while acknowledging that a clear government objective of the bill is to avoid legal wrangles as Manitoba undertakes its own massive Conawapa hydro project, Glen Cummings, Minister of Environment, stated in the House that "...no one out there need fear what is intended by these amendments. We want the best environmental assessment at the highest standards that can be possibly achieved for the processes within our jurisdiction."

With the introduction of this bill, the co-operative mood in the House was upset. Still, a December 14 adjournment was achieved. The government agreed to hold two public hearings on the bill before the Standing Committee on Law Amendments in January. They faced strong opposition from a coalition of environmental groups as well as the NDP and the Liberals, but, with a number of minor amendments, the bill was passed.

The Manitoba Legislative Assembly was reconvened for one sitting on January 21 at which time The *Environment Amendment Act* received third reading and Royal Assent. Much of the day, however, was occupied by a debate on a matter of urgent public importance concerning, "...the threat to the health care system posed by the intransigence of this Government in its handling of the nurses' strike," proposed by Liberal Leader Sharon Carstairs and ruled in order by Speaker Denis Rocan. This strike, which began on January 1, had become the longest nurses' strike in Canadian history.

The next session of the Manitoba Legislature is expected to open in March. After going through one of Manitoba's longest legislative sessions (153 sitting days), a general election in September, 1990, and a subsequent session which was less than one-third the length of the previous one, the next full session should see the Manitoba Assembly sitting on a more regular schedule, with timely consideration of annual spending estimates, and likely a more ambitious legislative program.

W.H. (Binx) Remnant
Clerk
Manitoba Legislative Assembly

Alberta

The Second Session of the Twenty-Second Legislature began on November 26, 1990. This short, fall session was called to deal with the final report of the Special Committee on Electoral Boundaries, and was adjourned on December 14.

The Select Special Committee on Electoral Boundaries was struck in August 1989 with the mandate to hold public hearings and consider new guidelines for the establishment or redistribution of electoral divisions in Alberta. The all-party committee proposed changes for Alberta's electoral boundaries process, such as following the general rule of plus or minus 25% of the average divisional population in Alberta, except in special circumstances, and it laid out criteria for those special circumstances. The committee also made specific proposals for the

composition of the Electoral Boundaries Commission in its report, which was released November 22, 1990.

As a result of the completion of the committee's activities, the Attorney General brought forward the *Electoral Boundaries Commission Act* in the House on November 29. The Act sets out electoral division redistribution rules and establishes the Electoral Boundaries Commission, which will propose new boundaries and hold public hearings over the next 15 months before publishing a final report for presentation to the Assembly.

The *Natural Resources Conservation Board Act*, Bill 52, was introduced in the Spring Session of 1990 by Energy Minister Rick Orman, and was passed by the Legislative Assembly on December 5. The Board will have the responsibility of reviewing all proposed industrial projects which will have an impact on the environment. As a new regulatory body, this board will along with the proposed Environmental Enhancement and Protection legislation, make comprehensive environmental reviews and evaluations a standard part of Alberta's environmental protection policy.

Bill 38, the *Loan and Trust Corporations Act*, was also debated during the fall session. This legislation would introduce new rules of registration and reporting for Alberta Trust Companies. This bill will be brought before the House again in the 1991 Spring Session.

On October 18, 1990, the Alberta Legislature mourned the passing of a sitting member of the Assembly, Gordon Wright. Mr. Wright was first elected in 1986 as the Member for Edmonton-Strathcona and was re-elected in 1989. Mr. Wright will be remembered for his integrity and

his commitment to his principles and his constituents. His successor, Barry Chivers, a former law partner, was elected in a by-election on December 17.

Patricia Mappin
Parliamentary Intern
Legislative Assembly of Alberta

House of Commons

In late 1990 and early 1991, the House passed many Special Orders and repeatedly used unanimous consent to modify the parliamentary calendar and the schedule of the House. On December 19, 1990, after just less than a month of sittings, the House agreed to a motion to adjourn until February 18, 1991, unless it was recalled to receive Royal Assent to bills or unless, as stated in Standing Order 28(3), the public interest required that it resume sitting at an earlier time.

In light of the escalation of tensions in the Middle East and the impending lapse of the UN-imposed deadline for the withdrawal of Iraq from Kuwait, the Speaker, at the request of the Government, published a Special Order Paper for January 15, 1991. The Order Paper contained only one motion, a motion similar to the one passed by the House in support of the United Nations Security Council's resolution 660. The motion read:

That this House reaffirms its support of the United Nations in ending the aggression by Iraq against Kuwait.

Motions ran high in the debate which ensued, a debate which was taking place at the time of the

outbreak of hostilities on January 16, 1991 and which ran for extended hours over a four-day period. Although attempts were made to amend the motion, by adding provisions which would effectively prohibit the involvement of Canadian forces in offensive military action, the original motion unaltered, was agreed to on January 22, 1991 by a vote 217 to 47.

Also in this week following the recall, the House consented to a resolution which stated:

That this House continue to have confidence in the loyalty of Arab Canadians and in their support of Canada at this time of global crisis;

and That this House condemns unequivocally any attempt to portray these communities as less than full Members of Canadian society.

In response to events in the Soviet Union, the House also adopted a motion condemning "the brutal and unacceptable crackdown in Lithuania". On January 22, 1991, the House was adjourned to the call of the Chair.

Legislation

From the time the House resumed sitting in late November until its Christmas break, Members of the House had to share the legislative limelight with their counterparts in "the other place", as Senators continued to procedurally manoeuvre their way through the debate on the Goods and Services Tax Bill (Bill C-62). Passage of the Bill on December 13, followed by Royal Assent on December 17, shifted the focus back to the House for its debate on the controversial *Broadcasting Act* (Bill C-40) and *Petro-Canada Privatization Act* (Bill C-84). (Both received Royal Assent on February 1, 1991.)

Other legislative events of note over this period include the passage

by the House of Bill C-79, *An Act to amend the Parliament of Canada Act*, and the granting of Royal Assent to bills establishing the Canadian Race Relations Foundation (Bill C-63); the Department of Multiculturalism (Bill C-18) and the Heritage Languages Institute (Bill C-37).

Committees

Committee watchers have had a great deal to keep their interest during this period. The Standing Committee on Privileges and Elections presented its 19th Report, entitled *Enhancing the Parliamentary Channel* on November 23, 1990 — just weeks before Canadian Broadcasting Corporation President Gérard Veilleux officially informed the House that the Corporation could no longer afford to pay for the operations of the Parliamentary Channel.

On November 22, 1990, Raymond Skelly rose in the House, explained that the Standing Committee on Aboriginal Affairs had had difficulties dealing with its Order of Reference concerning the summer events at Oka, Quebec and asked that the Speaker meet with members of the various parties to assist them in starting their inquiry. The Speaker stated that the Chair would not intervene in committee matters and that the committee members should continue discussions to resolve the matter.

The Speaker made a similar ruling on November 28, in response to a question of privilege raised by Iain Angus. Mr. Angus had argued that the privileges of the members of the Transport Committee had been breached because the committee had not held any meetings. Acknowledging that the committee could not meet because it did not have a Chairman, the Speaker explained that a meeting could be convened by the Clerk of the House

following the acceptance of the report of the Striking Committee providing for new committee membership, or by the Chief Government Whip following consultations with the other parties. The Speaker then noted that although there was cause for concern, the parties should negotiate a solution to the problem without the intervention of the Chair.

On December 19, 1990, the Clerk of the House, pursuant to Standing Order 121(5), had appended to the *Votes and Proceedings* reports of the expenditures and activities of legislative, standing and special committees.

Two special committees were also established during this period. The first, the Special Committee on the subject matter of Bill C-80 (Firearms), was set up on November 23, 1990 to study the issue of gun control. The second, the Special Joint Committee of the House of Commons and Senate on the process for amending the Constitution of Canada, once again brought the constitutional debate officially before the House. The mandate of this 12-House, 5-Senate member committee is to study and report upon the process for amending the Constitution, with special reference to the role of the public, the effectiveness of the existing procedures, and alternatives to the current process, including those set out in the Government's recently-released discussion paper entitled "Amending the Constitution of Canada". The committee is scheduled to report back to the House no later than July 1, 1991.

Other committees were given some extraordinary powers. First, all committees were given the permission to deposit reports with the Clerk while the House was not sitting and to have them deemed

thus presented. Second, the Standing Committee on External Affairs and International Trade was twice granted permission to broadcast its proceedings. And third, the Standing Committee on National Defence and Veterans Affairs, and the Standing Committee on External Affairs and International Trade were given a) the authorization to hold joint public meetings during the adjournment of the House for the purpose of receiving briefings on the Persian Gulf War, and, most notably, b) the power to request that the Speaker recall the House.

Canadians also witnessed several changes to the parties in the House. Pat Nowlan, the long-time Member from Annapolis Valley—Hants, twice rose to declare that because he had been elected as an individual and not as a party Member, he wished to be designated as an "Independent - Conservative" in the records and documents of the House. Despite the argument that only names of the parties officially recognized under the *Canada Elections Act* could be used as designations of political affiliation in the House, the Speaker ruled that there was no legal impediment to Mr. Nowlan's request, and that he could therefore be listed as an "Independent - Conservative" in the weekly Appendix to Debates, in the Appendices to the bound volumes of Debates and Journals and in any documents or circumstances consequential to those Appendices. Similarly, members of the Bloc Québécois who have so requested are now listed in House documents as Bloc Québécois or "BQ".

The Bloc Québécois also continued in its quest for additional research funding, arguing vigorously that their privileges as Members were being breached because they did not have access to

the same research funds as Members of the recognized parties. The Board of Internal Economy having denied the Bloc's request for additional resources, Jean Lapierre demanded of the Speaker an explanation for what he termed "the Speaker's decision". The Speaker explained that the Board of Internal Economy, and not he alone, had made the decision. He then outlined the resources available to each Member of the House, regardless of his or her party affiliation, and noted that excluding the office, telephone and mailing resources granted to each Member, the total budgetary allocations to the Bloc Québécois Members equalled almost \$1.5 million. As to the procedural questions concerning the Bloc Québécois members, the Speaker stated that the Chair had extended every courtesy to the group and had safeguarded the participation of its members in the proceedings of the House.

The ranks of the Liberal party increased by three over this period. In December 10, 1990 by-elections, Liberal Leader Jean Chrétien won the New Brunswick Beauséjour riding, replacing Fernand Robichaud who had resigned in September, and Maurizio Bevilacqua reclaimed the York North riding seat he had lost months earlier when the Supreme Court of Ontario declared his election void and invalid. In late January, former Conservative, then Independent, David Kilgour officially joined the Liberal party.

The party standings in the House are now PC, 158; Liberal, 81; NDP, 44; and "Other", which includes Independent, Reform Party and Bloc Québécois Members, 12.

Barbara Whittaker
Procedural Clerk
Table Research Branch