



Legislative Reports



On February 25, 1993, the third session of the twenty-second Legislature was opened by Lieutenant-Governor Sylvia Fedoruk. The thirty-minute Throne Speech announced government initiatives in the sectors of economic development, agriculture support, education, social justice, government accountability and health care reform. Debt reduction was also addressed in the Speech, a matter which will continue to be of great importance in the government's "renewal" strategy. Opposition Leader Rick Swenson, who replaced Grant Devine on January 1, 1993, criticized the Throne Speech as a "dubious strategy of economic development" and denounced the government for tax and utility increases. Liberal Leader Lynda Haverstock described the Throne Speech as an "inadequate document," filled with "vague allusions" and "empty rhetoric."

Budget

The 1993-94 budget was presented on March 18 by Finance Minister Janice MacKinnon, who described it as a "comprehensive balanced budget plan." In her address, the Minister said sacrifices were re-

quired to deal with the province's huge debt, which she said amounted to \$15,000 for every man, woman and child. It was announced that government spending would be reduced through the elimination of a quarter of the provincial boards and agencies; by the rationalisation of the Health care delivery system; by eliminating the Saskatchewan Prescription Drug Plan to all but those with low income or high drug costs; by new tendering and purchase policies for schools; by the sharing of service delivery with municipalities; and by a freeze on MLA salaries and a five per cent cut in Ministers' salaries. On the revenue side, notable tax increases included a two cent per litre rise in the fuel tax and a one per cent extension of the sales tax, bringing it to nine per cent. The Minister predicted that these and other measures would amount to a \$269 million deficit, down thirty per cent from the \$592 million 1992-93 deficit.

The Minister said a key component in the plan to balance the budget in four years is a strong economy. Job creation would be the first priority in that plan and to stimulate employment, Ms. MacKinnon announced a twenty per cent reduction in the Corporate Income Tax rate for small business and co-operatives, a manufacturing and processing tax credit, government investment in research and development and a ten per cent increase in capital projects. Other measures included a \$320 million in support for the agricultural sector.

The Opposition Leader claimed the budget was a betrayal of the Pre-

miers' election promise of no new taxes. Mr. Swenson said that for every dollar the government has purported to save, it taxed the people two more dollars. He argued that the ratio should have been reversed. The Opposition was also critical of the government cuts, saying they would translate into half a billion dollars in off-loading. Mr. Swenson said the bottom line of the budget was an extra \$2,000 annual burden per Saskatchewan family.

The Liberal Leader criticized the government for what she described as a pre-budget exercise of promoting a "worst case scenario" which ruined confidence in the economy. Ms. Haverstock said the government failed to understand that the size of government should have been sacrificed first and the quality of people's lives last.

Legislation

During the course of the session, 91 public and two private bills were introduced. Four bills, including one Opposition public bill, were left on the Order Paper when the session was adjourned on June 22. The introduction of an additional 53 bills were negated, including one public bill proposed by a government private member. Of the 87 bills that passed, about ten were the subject of major debates. The following are the highlights of some of the more contentious legislation which lead to a very stormy session.

Of all the policy initiatives announced in the Throne Speech, the most controversial was the plan to make fundamental changes to the

provincial medicare system. Already the government had embarked on what is termed the "wellness model" of health care, which emphasizes disease prevention, positive life-styles and community based health programs. The latter aspect of the wellness model entailed the "co-ordination and integration of health services to provide a more responsive and efficient health system". Legislation to that effect was introduced by Health Minister Louise Simard on March 3, 1993. According to the Minister, one of the main objectives of Bill No. 3, *An Act respecting Health Districts*, was to replace the many hundreds of fragmented health delivery systems with 25 integrated, co-ordinated Health Boards. The local boards would be responsible for the decision-making and control over services in each region.

Part of the government's stated reason for the reform was to reduce the annual cost of health care. In April it announced that funding to 52 acute care facilities would be reduced, leading to the conversion or closure of many rural hospitals. The Official Opposition raised concerns about the availability of emergency services in rural areas and the economic consequences of hospital closures. Health critic Bill Neudorf said the legislation would cause the dismantling of rural health care services. The Liberal Leader asked the government to create a test district before extending the program province wide. In responding to the questions raised, the Minister agreed there would be some job losses but stated many of the rural facilities would be converted to "wellness centres." She also made assurances that rural people would continue to have access to emergency acute care. This set the stage for a very emotional debate, which included a series of delaying tactics designed by the ten member Official

Opposition to make the government reverse its policy.

In conjunction with 49 recorded divisions on adjournment motions, 52 recorded divisions on introduction of private members' public bills, numerous recorded divisions on superseding motions, the Opposition used points of order, the presentation of petitions, oral notice of motions, requests for emergency debates and ultimately the three day suspension rule in an attempt to avoid consideration of the *Health Districts Act*. Several times they were effective in preventing the Legislative Assembly from reaching Orders of the Day. For its part, very early on in debate, the government resorted to time allocation but even this measure required the use of closure to be successful. It was not until April 29, at 4:15 a.m., after a recorded division on each of the Bill's 45 clauses had occurred, that the *Health Districts Act* passed third reading.

In the Throne Speech, the government indicated that legislation would be brought forward to prohibit discrimination on the basis of sexual orientation, family status or the receipt of public assistance. On March 17, Bill No. 38, *An Act to Amend the Saskatchewan Human Rights Code*, was introduced by Justice Minister Bob Mitchell. By the time the Minister moved second reading some two and a half months later, the issue of homosexual rights had become the focus of much opposition to the legislation. During his second reading speech, the Minister addressed the controversy by stating that the code's protection would be extended to those discriminated against on the basis of their sexual orientation in matters of employment and housing. He said the Bill did not speak to the question of individual acceptance of homosexual behaviour and nor did it recognize homosexual marriages or

entitle homosexual partners to spousal benefits and the adoption of children. Bill No. 38, he said, was not "the thin edge of the wedge on the question of the legal position on homosexuals."

Members of the Official Opposition took the opposite view and argued that by adding the term sexual orientation to the Human Rights Code, the government was "opening the door to greater demands." Justice critic Don Toth stated that similar laws were repealed in Colorado and Oregon for that reason. He said the extension of the Human Rights Code to include sexual orientation was unnecessary because protections already exist through the *Canadian Charter of Rights and Freedoms*. Without definitions of sexual orientation and family values in the legislation, the Opposition argued that the Bill was too open to interpretation. It was on this basis that they opposed the Bill, which was debated at length. The Leader of the Opposition called for a free vote on the Bill. This was rejected by the government caucus, however, two government members announced that they could not support Bill 38 and did not vote. Debate on Bill 38 carried through to the last minutes of the session and it was the last Bill passed before adjournment on June 22.

Two other Bills that received critical attention from the Opposition were Bill No. 55, *An Act to Amend the Workers' Compensation Act*, and Bill No. 56, *An Act respecting Occupational Health and Safety*. In outlining the purpose of the two cognate bills, Labour Minister Ned Shillington stated that the province's labour legislation needed modernizing in the areas of injury benefits and compensation, medical aid, vocational rehabilitation, and work place safety. During the second reading debate, he noted that the most controversial provisions would be

those that enable the Compensation Board to reduce or increase assessments of employers on the basis of occupational health and safety practices. Opposition Labour critic Jack Goohsen disputed the Minister's projection of increased cost to employers and said the changes amounted to a payroll tax. He accused the government of downloading medicare costs onto the premium structure of the business community.

On the basis of economic concerns, the Opposition also opposed the passage of Bill No. 39, *An Act to Amend the Education Act*. The purpose of the Bill was to allow Saskatchewan francophones the authority to manage and control their own school boards. Education Minister Carol Teichrob said the legislation was necessary for Saskatchewan to fulfil its obligations under section 23 of the *Charter of Rights and Freedoms*. She said the bill would not have a cost impact because it would give the province access to federal funds. The Minister expected between eight and ten francophone school boards would be created.

Education critic Dan D'Autremont said a third school board should not be created at a time when taxpayers were struggling to maintain the existing public and separate school systems. He stated that the withdrawal of francophone pupils from existing rural schools would mean further closures and cost increases associated with busing students to larger centres.

After the 1991 election, the new government began a series of reviews of all the "mega project deals" made by the previous Progressive Conservative government. One such deal was the agreement made in 1986 between the provincial and federal governments with Federated Cooperatives Limited (FCL) to build and operate a heavy oil up-

grader at the Co-op refinery in Regina. The deal created NewGrade Energy Inc., which became the subject of the controversial Bill No. 90, *An Act to protect the financial viability of NewGrade Inc.*

After a review of the terms of the agreement was concluded by a government appointed inquiry headed by Mr. Justice Estey, the government began negotiations to change the deal. It argued that FCL was not required to contribute any capital, assume any risk but had complete operational control and received half the profits of the upgrader under the 1986 agreement. During second reading debate Justice Minister Bob Mitchell said FCL extracted the deal from the previous government in the midst of the 1986 election campaign, which accepted the terms rather than suffering the political consequences of the project collapsing. He said the agreement had to be changed to protect the interests of taxpayers. The refusal of FCL to accept the government's settlement offer, which Mitchell said was based on a solution outlined in Justice Estey's report, led to the legislation.

Opposition Leader Rick Swenson said he did not oppose re-negotiating the "basic tenets" of the arrangement but condemned the Bill as being undemocratic. He said it gave the Minister absolute, unlimited "totalitarian" power to amend the deal, for which FCL could have no appeal. He called on the government to negotiate in an "honest and upright manner." Liberal Leader Lynda Haverstock feared the Bill would have a negative impact on business in the province because investors would be weary of signing contracts with the government. Thus began concerted action by the Official Opposition to first stall and then to amend Bill No. 90. Many of the tactics used against Bill No. 3 were repeated to the degree that on

one occasion the Assembly was prevented from reaching Orders of the Day. As well, the Opposition invoked the three day suspension rule.

The Government received criticism as well to Bill No. 79, *An Act to Provide for the Division of Saskatchewan into Constituencies for the Election of Members of the Legislative Assembly*. The main feature of the Bill was the reduction of the size of the Legislative Assembly from 66 members to 58. It is the first time since the Great Depression that the number of seats have been reduced.

The new total number of seats is to be achieved by raising the average number of voters in each constituency from just under 10,000 to about 11,400. The acceptably variation in the constituency population quotient will change to plus or minus 5%, a reduction from the 25% variance allowed by the past Act. As well, the Bill eliminated the predetermined split of rural and urban constituencies that previously existed.

The Official Opposition agreed in principle with the reduction of seats but argued that the changes were really a political decision designed to "cut away the voices of rural Saskatchewan," by making rural constituencies larger and more difficult to represent. The Opposition Leader proposed that the boundaries be redrawn on the basis of dividing each of the present 14 federal ridings into four provincial constituencies for a total of 56 seats. The idea was rejected by the government.

In response to what the Justice Minister described as sustained public concern over certain "violations of public trust," the government brought forward new Members' Conflict of Interest Legislation. The government hopes that Bill No. 1, *An Act respecting the Conduct of Members of the Legislative Assembly and Members of Executive*

Council respecting Conflicts of Interest, will help to avoid conflicts by clearly defining what are conflicts of interest and by requiring broader disclosure of Members' personal assets and the assets of their spouses and dependent children. A Conflict of Interest Commissioner will be established to give advice, prepare opinions if asked respecting compliance and to conduct enquiries when necessary. The Opposition found the legislation imperfect but agreed to support the Bill and a separate "Code of Ethical Conduct" resolution.

Committees

On August 27, 1992, the Legislative Assembly created the Standing Committee on the Environment to review and report on legislation related to environmental issues. The following day the committee, chaired by Regina Albert North MLA **Kim Trew**, was instructed to review the issue of Environmental Rights and Responsibilities (ERR) in relation to legislation on that subject, which was introduced earlier in 1992. Over the course of the winter the committee heard from over 100 citizens at public hearings held in some 15 communities across Saskatchewan. This, combined with over 70 written briefs, helped the committee make a series of recommendations, which were outlined in a 50 page report presented to the Legislative Assembly on April 19, 1993. Environment Minister **Berny Wiens** agreed to use the report, which received concurrence from Assembly on May 18, as a foundation for a new ERR Bill.

On May 4, 1993, the Legislative Assembly referred a Bill to the Standing Committee on Crown Corporations for the first time. Bill No. 42, *An Act respecting the Creation and Supervision of Certain Crown Corporations*, was designed by the gov-

ernment to improve Crown corporation accountability and the supervision powers of the Crown Investments Corporation (CIC is the holding company used to supervise most of the province's Crown corporations). Provincial Auditor **Wayne Strelieff** said the Bill was a step forward but called on the government to present the capital and operating budgets of Crown corporations to the Assembly for scrutiny. The Official opposition raised this and other related concerns of the Provincial Auditor by moving numerous amendments to the Bill. CIC Minister **John Penner** responded by stating that the commercial nature of Crown corporations prevented the government from requiring them to operate and report on the same basis as departments.

Another concern of the Provincial Auditor was the relationship between Crown corporations, private auditors and his office, which he raised in Special Report on Bill 42. The report was referred to the Standing Committee on Public Accounts, which studied the use of public sector auditors by Crown corporations in relation to the statutory responsibilities of the Provincial Auditor. The committee issued an interim report, in which it said it did not concur that only the Provincial Auditor should audit the records, accounts and financial statements of CIC. Although the matter will be a subject for further review, the Crown Corporations Committee considered and accepted the recommendations of the Public Accounts Committee during its consideration of Bill 42. Nonetheless, CIC indicated that it would continue the appointment of the Provincial Auditor as its auditor for a specific term before making any further decisions.

The Public Accounts Committee also had an opportunity to consider legislation. Bill No. 41, *An Act re-*

specting the Financial Administration of the Government of Saskatchewan was referred to the committee on May 4. The purpose of the Bill was to provide for the establishment of an accrual accounting system in Saskatchewan and, among other things, to provide for the inclusion of summary financial statements in the province's public accounts.

Finally, as an outcome of a Public Accounts Committee review of its operating procedures, it has requested that its reports receive a comprehensive response from the government within 120 days of tabling in the House.

Gregory Putz
Clerk Assistant



On June 18, the National Assembly adjourned for the summer recess, having sat 26 days in the months of May and June. During this period, 49 bills were passed. The MNAs also approved the government's budgetary policy.

The difficult economic situation that has existed in Canada for a number of months now has existed had serious repercussions on the Quebec government's finances. The budget brought down on May 20 by the Minister of Finance, **Gérard D. Levesque**, did not go unnoticed. It was the subject of considerable comment and lengthy debate in both the Assembly and the press.

According to the Minister of Finance, the government's deficit should reach \$4.15 billion this year, with anticipated revenues of \$36.7 billion and expenditures of \$40.85 billion. Last year he predicted that

the deficit would reach \$3.8 billion, but preliminary results for 1992-93 would seem to be in the neighbourhood of \$5 billion.

In an attempt to control public spending, therefore, Mr Levesque announced a series of measures, including elimination of the employment deduction, a one-year suspension of the indexation on family allowances and welfare benefits, a new income surtax for the current year, a tax on premiums for private health-insurance or life insurance plans paid by the employer, a reduction (from 80% to 50%) in the deductibility of the cost of meals and entertainment and an increase in tuition fees (to bring fees in Quebec up to the Canadian average).

It was thus with a view to putting public finances on a sounder footing that the Assembly passed, in the final days before adjourning, a bill on working conditions in the public and municipal sectors. This legislation, which applies to senior civil servants, administrators of government agencies and employees of municipal bodies, extends existing collective agreements for two years and maintains existing salary scales for the same period. It also provides for a 1% reduction in spending on the application of collective agreements through the granting of no more than three days of unpaid leave to the employees concerned, or by any equivalent measure that the parties may agree upon. Consideration of the bill did not go entirely smoothly: the government house leader was obliged to move suspension of the rules of procedure so that it could be passed.

Another bill was also the subject of a motion to suspend the rules of procedure. This was the bill amending the *Charter of the French Language*. The legislation is designed to bring certain provisions regarding the language of legisla-

tion and justice, the language of business and the language of education into line with rulings handed down by various courts.

Of course, the Assembly also passed a number of less controversial but equally important bills. Among them were:

- Bill 101, obliging any person or body wishing to open or expand a landfill site or a storage site for dry materials to follow the environmental impact assessment procedure laid down in the *Environment Quality Act*;
- Bill 68, on protection of personal information in the private sector, the aim of which is to establish special rules for enforcing rights and obligations arising from provisions of the *Quebec Civil Code* on protection of such information. The legislation obliges enterprises to ensure the confidentiality of the personal information they hold and use, and forbids the communication of such information to third parties without the consent of the person concerned. It also sets out guidelines on what types of personal information may be collected by enterprises and how this is to be done. Lastly, it sets terms and conditions for consulting personal files held by enterprises;
- Bills 82 and 83, which make the post-secondary education reforms law. Bill 82 deals with the activities that colleges may carry on and also with their internal organization. It empowers the government to set up a plan for college studies that would establish guidelines for admission, curricula, evaluation of learning, and diplomas. Bill 83 sets up the *Commission d'évaluation de l'enseignement collégial*, whose responsibility it will be to evaluate as necessary each institution's policies on learning and its curriculum.

Two further bills were passed that had been introduced by government MNAs. Bill 198 limits the replacement of employees of the provincial government or a public

body who leave their jobs; it also provides for a reduction in management personnel and for accountability on the part of senior civil servants and managers of public agencies. Bill 197 is designed to encourage the donation of human organs and tissues.

Among the political events that marked the end of the spring session was the resignation of a government MNA, Guy Bélanger, who represented the riding of Laval-des-Rapides and chaired the Economy and Labour Committee.

A by-election in the riding of Portneuf on July 5 saw the victory of the Parti Québécois candidate, Roger Bertrand. The riding had been held since 1973 by Michel Pagé, who at the time he left politics was Minister of Education and Government House Leader.

The seats in the National Assembly are now distributed as follows: Liberal Party - 87; Parti Québécois - 33; Equality Party - 3; Independent - 1; and vacant seats - 1.

In conclusion, at the XIXth annual meeting of the *Assemblée internationale des parlementaires de langue française (AIPLF)* in Libreville, Gabon, in early July 1993, the Speaker of Quebec's National Assembly, Jean-Pierre Saintonge, was elected to the presidency of the AIPLF. He has served as First Vice-President since September 1991.

Nancy Ford and Jean Bédard
National Assembly Secretariat

Committee proceedings

In this quarter, the standing committees of the National Assembly met 83 times.

As always, the months of May and June were intensely busy. From the beginning of June to adjournment on June 18 the committees had to sit from 10 in the morning to midnight, Monday to Friday.

May was very busy with a wide variety of work. Sittings were needed to complete consideration of the departmental estimates, which had begun the month before. Ten sittings were devoted to general hearings, two to questioning invited witnesses, two to financial reviews and fifteen to clause-by-clause consideration of bills.

A delegation from the Education Committee took part in a symposium on Switzerland's approach to keeping students in school and to vocational training, held May 9-15 in Lausanne.

June was devoted largely to clause-by-clause consideration of bills (41 sittings, or 49% of the quarter's committee meetings). Public hearings were held giving concerned parties a chance to express their views, in one particularly interesting instance on the proposed amendments to the construction industry decree.

Usually July is devoted to updating or preparation, and is free of parliamentary activities.

This year, however, representatives of the Budget and Administration Committee (BAC) participated in the 15th annual conference of the Canadian Council of Public Accounts Committees, held in Toronto, July 4-7.

Committee proceedings in May and June focused mainly on clause-by-clause consideration of bills. This responsibility represented 67% of all committee activities. Among the 34 pieces of legislation referred to committee, the study of only one could not be completed. Closure was moved in the Assembly and put an end to the work of the Cultural Affairs Committee.

Several of the matters referred to committee were of particular interest. The Land Use and Infrastructure Committee focused on the environment, municipalities and transportation. It considered an im-

portant bill amending the *Highway Safety Code*, designed (among other things) to improve school bus safety, identify critical segments of the road network, standardize certain fines and organize electronic data transmission more efficiently.

Environmental legislation included a bill designed to set up ecological reserves and another regulating the setting up and expansion of landfill sites.

In the area of municipal affairs, two bills (one a government bill and the other a private Member's bill) received clause-by-clause consideration.

The Budget and Administration Committee was very busy this quarter. On May 4, 5 and 6 it held hearings on the document entitled, *L'appui au secteur financier: des dividendes pour le Québec*. The aim of the hearings was to come up with policies for Quebec's financial sector. Thirteen organizations were heard from, during 13 hours of testimony.

As always, the Budget Speech was referred to the BAC for debate at committee stage. Two sittings and almost eight hours were devoted to this.

The BAC also considered an important bill designed to curb evasion of the tax on tobacco. Two sittings and more than 12 hours of were needed for the clause-by-clause consideration.

Following up the hearings it held in February and March, the Cultural Affairs Committee proceeded with clause-by-clause consideration of Bill 68 on protection of personal information in the private sector. The Bill had been eagerly awaited in certain quarters, and debate was lively.

But it was the special hearings on, and the consideration of, Bill 86 on the *Charter of the French Language* that occupied most of the Cultural Affairs Committee's time. Almost 60 hours in May and June were devoted to hearings and considera-

tion. Twenty-four organizations were heard and twenty-eight briefs were tabled. The clause-by-clause consideration that followed was notable for its lack of consensus, and after four sittings study of the Bill came to an end when a closure motion was passed in the Assembly.

Among other work the Education Committee held special hearings in May on Quebec's general and vocational colleges. Twenty-five organizations were heard over a four-day period. The clause-by-clause consideration of Bill 82 that followed required two sittings. This Bill is designed to modify the CEJEPS' field of activities and internal structures and empower the government to set guidelines regulating curricula. The Bill also proposed amendments to tuition fees, budget practices and regulations.

The Economy and Labour Committee had two main tasks, one a most uncommon one for that Committee: consideration of a private bill, Bill 261 on the Mont-Tremblant cottagers' association.

In June the Committee also went ahead with a second round of public hearings on the construction industry decree. This round, less contentious than its predecessor, gave five unions and employer associations a chance to tell the Minister of Labour their reasons for failing to reach an agreement on amendments to the decree.

The Institutions Committee had an extensive variety of responsibilities, of which two are of particular interest.

Bill 84 was the subject of special hearings before clause-by-clause consideration began. This significant Bill, amending a number of Acts, is intended to set up a *Régie des alcools, des courses et des jeux* and give it certain powers. Eight organizations were heard from during two days of hearings.

In its review of the Ombudsman's budget and his annual report for 1991-92, the Committee took the opportunity to discuss his role and functions.

Lastly, the Committee was mandated by the Assembly to hold public hearings, scheduled to start on September 21, 1993, on Quebec's *Régie d'aide juridique*. July and August will thus be spent responding to requests from organizations and receiving briefs.

François Rousseau
Committees Secretariat.



Among other notable achievements, the spring sitting of the Second Session of British Columbia's Thirty-Fifth Parliament will be remembered as the most talkative to date. After sitting for 90 days in 20 weeks, including a string of late-night sittings and concurrent committee meetings, Hansard totalled nearly 5000 pages, a record for one sitting in this province.

It was a long and arduous session for the Members of the Legislative Assembly and the staff working in the Parliament Buildings. Estimates for 19 Ministries and the Legislative Assembly were scrutinized and approved, 80 government bills were introduced, of which 73 passed, and 7 legislative committees tabled reports.

Continuing a procedural reform that had been made in the First Session, the Committee of Supply was divided into two sections. This al-

lowed for Estimates for two Ministries to be debated simultaneously, as well as for Bills to be debated in the House at the same time as Estimates in Committee "A". A further amendment to the Standing Orders was made in the Second Session to permit Deputy Ministers to respond directly to questions in the Committee of Supply at the request of the Minister.

The Harcourt government stated that the legislative package introduced in this session represented the bulk of the NDP's legislative platform during its current mandate. One of the most controversial bills of this session was the *Human Rights Amendment Act*. Its purpose is to provide meaningful protection to individuals and groups that are the victims of hate propaganda and activity by prohibiting the publication, issuance or display of any communication which is discriminatory or likely to expose a group or class of persons to hatred and contempt. The opposition parties criticized the legislation for limiting freedom of speech and expressed concern that it could be used to muzzle critics of the government.

The *Local Elections Reform Act* was the longest bill of the session. Its 300 pages of text include a number of provisions designed to overhaul and update the local election process. The Act requires the disclosure of campaign expenses and contributions, lowers the civic voting age to 18, and removed voting privileges from corporations.

The *Freedom of Information and Protection of Privacy Amendment Act* extends the province's access to information and protection of privacy laws to municipalities, school boards, hospitals, police, universities, colleges and self-governing professional bodies. British Columbia is the first jurisdiction in Canada to cover universities, hospitals, and

self-governing bodies under this type of legislation.

The *Treaty Commission Act* establishes the Treaty Commission and charges it with the responsibility of overseeing and facilitating aboriginal treaty negotiations in British Columbia.

Twenty-six Members' Bills were introduced in the House and received First Reading. David Mitchell introduced a number of Bills relating to procedural reform of the Legislative Assembly, including *An Act to Elect the Speaker by Closed Ballot*, *An Act to Balance the Budget*, and the *Parliamentary Calendar Act*. Jack Weisgerber, the Leader of the Third Party, introduced the *Initiative Act*, *Recall Act*, and *Free Votes Enabling Act*. Leonard Krog introduced *An Act to Enhance Freedom of Public Expression*. The Bill seeks to amend existing legislation so that newspapers are no longer exposed to liability if they publish letters to the editor which are subsequently considered to be libellous.

Committee Activity

Eight legislative committees were active during the Second Session, of which seven tabled reports before the House adjourned in July.

The Select Standing Committee on Forests, Energy, Mines and Petroleum Resources examined the issue of lumber supply to small remanufacturers. The Committee's First Report was tabled by Chairperson Corky Evans on June 3, 1993. The Committee recommended that the British Columbia Government produce a mission statement clearly identifying value-added production as a critical sector of the industry. It also urged government to set the goal of doubling the number of jobs in the remanufacturing sector by the year 2000, primarily by increasing the volume of harvested

timber set aside for small business. Additional recommendations concern establishing industrial wood training programs at education institutions; providing marketing and product development assistance to small business; and restricting lumber exports.

The Select Standing Committee on Aboriginal Affairs conducted a review of the First Citizens' Fund Loan Program. The Program, established in 1988, offers loans with a fifty percent deferred contribution to Aboriginal entrepreneurs wanting to establish or expand a small business. The Committee's First Report was tabled on June 15, 1993 by its Chairperson, **Jim Beattie**. The Committee recommended that the current design and delivery mechanism for the Loan Program be maintained and that more emphasis be placed on promoting the Program and improving access to it throughout the province.

The Select Standing Committee on Economic Development, Science, Labour, Training and Technology examined the implications of the North American Free Trade Agreement for British Columbia and Canada. After tabling its First Report on April 29, 1993, the Committee conducted 13 public hearings in 12 communities throughout the province. The Committee concluded that there was insufficient public debate and consultation prior to the negotiation, initialing and signing of the agreement and recommended that the British Columbia Government urge the Federal Government not to proclaim the NAFTA implementation legislation until after it has been debated in a federal election campaign. The Committee is also concerned that the NAFTA may limit British Columbia's ability to manage and conserve its water resources. The Committee recommended that the British Columbia government urge the Gov-

ernment of Canada to re-introduce federal legislation to restrict the export of bulk water from Canada.

The Select Standing Committee on Justice, Constitutional Affairs and Intergovernmental Relations was authorized to examine the report of the 1992 Compensation Advisory Committee and make recommendations to the Legislative Assembly regarding the fixing of salaries for judges of the Provincial Court. The Committee Chairperson, **Gretchen Brewin**, tabled the Committee's Report on June 28, 1993. The Committee recommended that Puisne Judges of the Provincial Court of British Columbia receive an annual salary of \$118,402 and that the additional annual remuneration received by the Chief Judge be increased to \$10,000 from the present \$9,000.

The Special Committee to Appoint an Information and Privacy Commissioner was authorized by the Legislative Assembly to select and unanimously recommend the appointment of an Information and Privacy Commissioner. The position is provided for in the *Freedom of Information and Protection of Privacy Act* and is the first of its kind in British Columbia. The Committee received 222 applications from individuals with a variety of professional experience from British Columbia, across Canada, and Europe. The Chairperson, **Barry Jones**, tabled the Committee's Report on July 13, 1993. The Committee unanimously recommended that **David H. Flaherty** be appointed.

The Select Standing Committee on Public Accounts examined the Public Accounts for the fiscal year ending March 31, 1992. The Committee Chairperson, **Fred Gingell**, tabled two reports during the spring sitting. The First, tabled on June 15, 1993, made a number of recommendations relating to records retention

and disposal. The Second Report, tabled on July 27, 1993, made recommendations concerning the *Financial Administration Act*, *Financial Information Act*, *Financial Disclosure Act*, *Interpretation Act*, *Crown Societies*, *British Columbia Gaming Commission*, *British Columbia Archives and Records Service*, and *Effectiveness Measurement and Reporting*.

The *Legislative Assembly Management Committee Act* provides for a Legislative Assembly Management Committee to be chaired by the Speaker and consisting of a Minister, the Government House Leader, the chair of the Government Caucus, the Opposition House Leader, the chair of the Official Opposition Caucus, and additional members appointed from the government caucus and each additional party. The Committee has jurisdiction to deal with all matters relating to the financing, administration, staffing, and provision of security, facilities, and service for the Legislative Assembly; and payments to Members of the Legislative Assembly. The Committee had 13 meetings during the Second Session and made a number of decisions including a 2% increase in the Members' constituency assistant and office allowance and the communication allowance for householder mailing; and the creation of a Legislative Assembly Personnel Advisor position.

The Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills is examining the results of the October, 1991 British Columbia referendum and determining the implications of implementing recall and initiative processes in the province. The Committee conducted 24 public meetings between November, 1992 and July 1993. One hundred and seventy-one written submissions were made to the Committee and 261 witnesses made

presentations at the public meetings. The Committee is reviewing the comments and opinions it received and expects to complete its First Report by the end of 1993.

On July 29, 1993, a Special Committee was appointed to select and unanimously recommend to the Assembly, the appointment of an Auditor General. The Committee expects to select a candidate and report to the House by the end of 1993.

Special Events

The Legislative Assembly of British Columbia celebrated the 100th anniversary of the beginning of construction of the buildings on June 7, 1993. A program including prayers and speeches by local aboriginal representatives and entertainment by Members of the Legislative Assembly and staff was performed on the steps of the Parliament buildings. An exhibit of **Francis Rattenbury's** architectural drawings are on display until the end of the year.

Before the House adjourned on July 29, 1993, a tribute was paid to the retiring Clerk of the House, **Ian Horne**, by the leaders of all three parties represented in the Legislative Assembly. Speaker **Joan Sawicki** presented Horne with a six-foot-long talking stick carved by **Joe Peters Jr.** of Cormorant Island. The stick was carved expressly for the retiring Clerk and denotes a person of great influence and knowledge. After 20 years in the post, and 37 years in the Legislative Assembly of British Columbia, Mr. Horne is stepping aside to play an advisory role as Clerk Consultant.

Adrienne Cossom &
Neil Reimer
Committee Researchers



During the final months of the 34th Parliament, the House dealt with many things which may fundamentally change the political face of Canada. Bills were adopted to create Nunavut, a new Northern territory, and to implement a continent-wide North American Free Trade Agreement (NAFTA). Tributes were made to **Brian Mulroney**, the outgoing Prime Minister, and to **Kim Campbell**, who was chosen as the Leader of the Progressive Conservative Party and subsequently sworn in as Canada's new Prime Minister. Several Government departments were restructured, and on June 25th a new Cabinet was chosen and sworn in to direct them. Since the House adjourned in the middle of June, before the swearing-in of the new Executive, the new Prime Minister and members of her Cabinet have yet to face the House of Commons from the front bench of the Chamber.

The tributes to the former and new Prime Ministers were accompanied by frequent tributes to other current and former Members, including a long tribute to Speaker **John Fraser** and complimentary exchanges between the Members of the "Class of '68". Many happy memories were discussed, and yet at the same time there was a sense of sadness in the air as many of those who have been part of the political landscape for many years one by one announced their decisions to

leave political life. Veteran Liberal MP **Marcel Prud'homme** and Progressive Conservative MP **Len Gustafson** tendered their resignations to the Speaker, leaving the House to assume their new posts as Members of the Senate, and New Democratic Party MP **Derek Blackburn** submitted his resignation when he was appointed to the Immigration and Refugee Board. These three departures bring the number of vacant seats in the House to six. Coupled with the fact that at the time of writing more than 60 additional Members of the current Parliament had announced their decisions not to run in the next federal election, one can expect the look of the 35th Parliament to be a very different one.

The sense of nostalgia and collegiality which crossed party lines in the tributes did not, however, prevent Members from taking their adversarial positions when it came time to debate and challenge each other on the issues. For example, on May 25th, Opposition Members, objecting to the Government's timetabling of the study of the NAFTA Bill, moved to extend the debate beyond the ordinary hour of adjournment and proceeded to debate the report stage of the bill throughout the night. The debate lasted until 12:43 p.m. the following afternoon. When the Bill finally did come to a vote at third reading the next day, it was adopted by a vote of 140 to 124.

On the days devoted to the consideration of the business of supply over this period, the Opposition challenged the Government by proposing motions to suggest that "This House is of the opinion that the Budget is, as put by the Chief Government Whip, "a disgrace"" (May 4); "That this House condemn the stifling of debate through the misuse of closure by the enforcement of time allocation on NAFTA and other important trade-related legislation" (May 5); "That this

House regret that, despite many grand announcements in international forums and despite the passage of two-and-one-half years since the launch of the Green Plan, the government has failed to integrate fully environmentally sustainable development as a goal of public policy" (May 13); "That this House condemn the government for its miserable failure to offer leadership and direction to Canadian banks and other lending institutions in order to provide adequate financial resources for the growth and development of small and medium sized businesses and the consequent creation of thousands of new jobs (May 14); "That this House condemn the government for its failure to protect Canadian interests regarding the inter-basin transfer of water as exemplified by the Kemano project, the North Thompson River, and both the Columbia River Treaty and the North American Free Trade Agreement" (May 28); and "That this House regret the continued inability of the government to address the tragedy of unemployment, especially among the young and particularly with regard to education and job training and re-training, and call for the immediate initiation of a national apprenticeship program and a national youth service program as major steps toward resolving the situation" (May 31). Having afforded the Opposition the opportunity to discuss their grievances, in accordance with parliamentary tradition, the House granted the Government supply and concurred in both the Main Estimates, 1993-94 and Supplementary Estimates (A), 1993-94 on June 2.

Holding the Government to account for its actions and policies was also the focus of the Standing Joint Committee on the Scrutiny of Regulations over this period. In its Ninth and Tenth Reports, tabled on June 3, 1994, the Committee continued its

tradition of challenging the Government's actions. Specifically, as the House of Commons Co-Chairman of the Committee Derek Lee explained about the Ninth Report:

In this report the joint committee reaffirms its firm opposition to the grant of individual exemptions from the application of subordinate laws without express authorization from Parliament. This practice was last denounced by our committee in 1977 as being both illegal and subversive of constitutional government.

The adoption of this report was prompted by the apparent renewal by the executive of its claim to have the power to dispense with the application of subordinate legislation in favour of individuals or in specific circumstances. That authority can only expressly be granted by Parliament.

The report refers to two cases in particular: a provision of the Income Tax Act regulations and the 1990 Kemano completion project guidelines order.

The committee also expressed its firm disagreement with the recent *obiter dicta* in a ruling of the Federal Court of Appeal which appears to endorse the executive's claim to have such a power of dispensation.

With regard to the Tenth Report of Committee, Mr. Lee made the following remarks:

...In this report the committee recalls that in its response to a 1987 report by the joint committee, the government had undertaken to introduce legislation to retroactively validate certain otherwise invalid proclamations issued under section 4 of the Indian Act.

The joint committee wished to draw the attention of the House to the fact that it continues to regard the proclamations as illegal and that the undertaking given five years ago by the government remains unfulfilled.

We find it regrettable that the matters raised in the sixth report

remain unaddressed and would express the hope that the government will in the near future and without need for further action by the committee introduce legislation to retroactively validate these proclamations and questions.

The Ninth Report of the Committee was concurred in on June 7, 1993.

While the pre-summer adjournment period is always a very busy time, this year the period was highlighted by several significant events. The Special Committee which was established to study Bill C-116, *Conflict of Interests of Public Office Holders Act* reported to the House on June 3 that the Bill should not be proceeded with. In a rare move, the Senate defeated Bill C-93, the *Budget Implementation (Government Organizations) Act, 1992*, the bill which aimed to combine and restructure a number of government agencies and institutions. Time allocation was used on numerous bills on numerous occasions, and, as noted above, there was an overnight debate on the NAFTA Bill. And finally, before most of the Members left for their constituencies for the summer, Royal Assent was given to the following bills:

- C-62, *Telecommunications Act*;
- C-72, *National Round Table on the Environment and the Economy Act*;
- C-73, *Canada Post Corporation Act amendment*;
- C-83, *Carriage of Goods by Water Act*;
- C-88, *Copyright Act amendment*;
- C-89, *Investment Canada Act amendment*;
- C-92, *An Act to amend the Income Tax Act, the Canada Pension Plan, the Income Tax Conventions Interpretation Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act and certain related Acts*;
- C-97, *Marine Insurance Act*;
- C-101, *Canada Labour Code and Public Service Staff Relations Act amendment*;
- C-102, *An Act to amend the Customs Tariff, the Excise Act, the Excise Tax Act, the Customs Act, the Criminal Code and a related Act*;
- C-103, *Land Titles Repeal Act*;
- C-106, *An Act to amend certain petroleum-related Acts in respect of Canadian ownership requirements and to confirm the validity of a certain regulation*;

- C-107, *Explosives Act amendment*;
- C-109, *An Act to amend the Criminal Code, the Crown Liability and Proceedings Act and the Radiocommunication Act*;
- C-110, *Northumberland Strait Crossing Act*;
- C-112, *An Act to amend the Excise Tax Act, the Access to Information Act, the Canada Pension Plan, the Customs Act, the Federal Court Act, the Income Tax Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act and a related Act*;
- C-114, *Canada Elections Act amendment*;
- C-115, *North American Free Trade Implementation Act*;
- C-117, *Borrowing Authority Act, 1993-1994*;
- C-118, *Export Development Act amendment*;
- C-121, *Canada Shipping Act amendment*;
- C-122, *Customs Tariff (textile tariff reduction) amendment*;
- C-123, *Seized Property Management Act*;
- C-124, *Currency Act amendment*;
- C-125, *Miscellaneous Statute Law Amendment Act, 1993*;
- C-126, *Criminal Code and Young Offenders Act amendment*;
- C-128, *Criminal Code and Customs Tariff (child pornography and corrupting morals) amendment*;
- C-132, *Nunavut Act*;
- C-133, *Nunavut Land Claims Agreement Act*;
- C-134, *Appropriation Act No. 2, 1993-1994*;
- C-371, *National Child Day Act*;
- S-8, *Motor Vehicle Safety Act*;
- S-17, *Intellectual Property Law Improvement Act*;
- and S-20, *An Act to change the name of The Canadian Medical Association*.

On September 8, 1993 the House of Commons was dissolved with election day set for October 25.

Barbara Whittaker
Procedural Clerk



The Legislature, which began its spring sitting on April 13, 1993,

rose for the summer on August 3, 1993.

On May 19, 1993, the Minister of Finance, **Floyd Laughren**, presented a Budget that emphasized the need to reduce the debt and invest in jobs. The Minister indicated as follows:

To me, the issue is not whether we control the growth in debt. The issue is how. The growth in debt must be controlled in a fair and balanced way, protecting those who are most vulnerable. It must be controlled in a way that maintains our investment in jobs and that protects important public services and makes them more efficient.

The Budget contained the following tax measures:

- The income tax rate was increased by 3% to 58% of federal income tax payable.
- The surtax on the wealthy was increased to 20% of Ontario personal income tax over \$5,500 and a further 10% of Ontario tax over \$8,000.
- A minimum corporate income tax was introduced.
- Corporations were limited to claiming only 50% of meal and entertainment expenses.
- The retail sales tax was expanded to include property and automobile insurance.
- Taxes were introduced on produce your own beer and wine.
- The tire tax and the commercial concentration tax were eliminated.

The government announced a 3-pronged fiscal strategy to control Ontario's deficit: expenditure controls, revenue measures, and \$2 billion in payroll savings through the achievement of a "social contract" with the 950,000 people employed in the broader public sector. When the "social contract" discussions did not prove fruitful, the government introduced Bill 48, *An Act to encourage negotiated settlements in the public sector to preserve jobs and services while managing reductions in expendi-*

tures and to provide for certain matters related to the government's expenditure reduction program. The bill sought to reduce transfer payments by \$2 billion dollars to the 8 public sectors identified in the legislation. Each sector was given a spending reduction target and was encouraged to reach agreements on how to compensate for the reduction in government transfer payments or have imposed the "fail-safe" provisions outlined in the Act. This could include a 3-year wage freeze and up to 12 days of unpaid leave. The bill passed on July 7, 1993 and remains in effect until March 31, 1996. It does not affect those earning less than \$30,000.

In order to carry out the purpose and intent of the Act, the salaries, indemnities and allowances of MPPs were reduced by approximately 5.5 %.

On other legislative matters, the House passed the following bills: Bill 38, the Sunday shopping bill (which was the subject of a free vote on second reading); Bill 164, which increases auto insurance benefits under the no-fault system; Bill 96, which establishes the Ontario Training and Adjustment Board; Bill 1, which turns Ryerson Polytechnical Institute into a degree-granting university; and Bill 32 which deals with tax fraud on used cars.

Bill 124, a Private member's bill sponsored by **Dianne Cunningham**, which requires cyclists to wear bicycle helmets passed third reading on 28 July 1993.

Speaker Warner had to deal with several procedural issues:

- The Speaker ruled that questions could be placed in Question Period to ministers without portfolio who were not members of the Cabinet.
- The Speaker ruled that a temporary substitution slip for a member of a Committee does not override the right of the permanent member of the Committee to attend the meeting for which he or she has

ostensibly been substituted, if that member asserts his or her right to so attend, vote, participate in debate and move motions. Should the member not so assert his or her right within the first 30 minutes of a Committee meeting being called to order, then the temporary substitution becomes valid and overrides the membership of the permanent member for that meeting.

- The Speaker ruled that a member can hold the positions of parliamentary assistant and Committee Chair at the same time.
- In an appeal of a decision of the Chair of the Standing Committee on Estimates, the Speaker ruled that the Chair should have allowed a member of the Committee the opportunity to make a point of order concerning developments in the previous day's meeting of the Committee.

Committees

At the organization meeting of the Standing Committee on Resources Development, 2 members' names were placed in nomination as Chair of the Committee. While both members were permanent members of the Committee, a temporary substitution slip had been filed with the Clerk of the Committee by the Chief Government Whip for one of the two, Peter Kormos. Because Mr Kormos was actually in attendance at the meeting and disputed the validity of the substitution, questions of order and procedure arose. However, because the Committee had not yet elected a Chair, these points could not be entertained. While the Clerk of the Committee was presiding over the meeting at this point, her authority extended only so far as to conduct the election of the Chair - no provision existed for her to decide questions of order. As disorder continued, the Clerk of the Committee dispersed the members.

In the intervening time before the next organization meeting of the

Committee, at which **Bob Huget** was elected Chair, the Government House Leader placed a motion in the House which passed, amending the permanent membership of the Committee by replacing Mr Kormos with another Government member.

The episode raised questions concerning the relative status of permanent and temporary members of Committees, which the Speaker clarified in a ruling in response to points of order that were raised in the House. The Speaker's ruling was summarized earlier in this report.

The Committee completed clause-by-clause consideration of Bill 96, *An Act to establish the Ontario Training and Adjustment Board*.

During the Summer recess, the Committee plans to hold public hearings on Bill 42, *An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers*. Among other things, the Bill would: require farming businesses whose annual gross income exceeds a prescribed amount to file a farming business registration with the Ministry; provide for the accreditation of farm organizations for the purpose of receiving funding under the Act; and require all farming businesses that are required to register to pay a farm organization fee in the prescribed amount.

The Committee will also hold hearings on draft legislation relating to a Graduated Licensing System. Graduated licensing is a gradual, step-by-step licensing process designed to help new drivers acquire the knowledge and skills they need to operate a motor vehicle safely. It is expected that the legislation will be introduced in the House this fall after the Committee completes its review of the subject matter.

The Standing Committee on Administration of Justice, chaired by

Rosario Marchese, concluded public hearings on a Standing Order 125 designation from Progressive Conservative Member **Cam Jackson** with respect to the issue of Victims of Crime. There were a total of 20 groups and individuals who appeared as witnesses. The Committee hopes to table its Report in the Fall.

During the Summer adjournment the Committee is scheduled to begin public hearings with respect to Bill 79, *An Act to provide for Employment Equity for Aboriginal People, People with Disabilities, Members of Racial Minorities and Women*. The hearings will commence August 16, 1993 and should run approximately 2 or 3 weeks depending on demand.

At its first meeting, **Joseph Cordiano** was elected Chair of the Standing Committee on Public Accounts. The Committee then reviewed a number of issues that had been started earlier in the year. In November 1992, the Committee had passed a motion requesting that the Provincial Auditor conduct a special audit of the Workers' Compensation Board's plan to build a new head office in downtown Toronto. Officials from the Board had appeared before the Committee in January. The report from the Provincial Auditor was presented to the Committee in July. The Committee then passed a motion stating that the Committee would return to this issue when the Board reports back to the Committee in 1996.

The Committee also continued its review of the section of the Provincial Auditor's 1992 report dealing with the Health Registration System, Ministry of Health. The discussion centred on ways to prevent the unauthorized use of health registry cards, including the use of "smart card" technology. The Committee plans to continue this review.

The Committee continued its review of Non-profit Housing. There

are plans to invite representatives from non-profit housing projects to appear before the Committee when this issue is next scheduled.

The Public Accounts Committee has requested that the Provincial Auditor conduct a number of special audits. This is allowed under provisions of the *Audit Act*. Currently, the Auditor has been requested to review the replacement and warehousing of furniture at the General Division Courthouse and Ontario Hydro and to review the Toronto Area Transit Operating Authority (GO Transit). It is expected that these reports will be presented to the Committee by early 1994.

The Standing Committee on Public Accounts hosted the 15th Annual Conference of the Canadian Council of Public Accounts Committees. This conference was held July 4 to 7,

1993 and most jurisdictions were represented. The conference looked at issues surrounding the public profile of Public Accounts Committees. One panel dealt with the ministerial view of the Committee and another included media personalities who commented on how committees could help to get their work reported in the media. The joint session with the Legislative Auditors discussed the subject of debts and deficits.

The Standing Committee on Finance and Economic Affairs, chaired by Paul Johnson, will conduct public hearings on Bill 8, *The Ontario Casino Corporation Act, 1993* during the summer adjournment in the cities of Windsor, Sault Ste Marie, Ottawa, Niagara Falls and Toronto. The Bill establishes the Ontario Casino Corporation, and sets out duties for the Corporation with

respect to the operation of casinos. The Committee expects to hear from many residents of the city of Windsor, where the first casino is expected to open, and from business people, organizations and interested citizens from all other locations. Following the public hearings, the Committee will conduct clause-by-clause consideration of the Bill.

On a somber note, the House expressed its condolence on the death of Smirle Forsyth, Clerk Assistant and Clerk of Committees from 1981 to 1992. Mr Forsyth passed away at his home on 20 June 1993.

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&

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