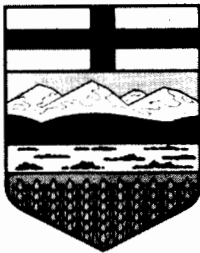




REPORTS ON LEGISLATIVE ACTIVITIES



ALBERTA

In an unusual break with tradition, the second sitting of the 19th Legislature of Alberta adjourned on November 27, 1980. The normal procedure of prorogation was delayed, in light of the potential for developments in the energy and constitutional issues.

November 27, in addition, marked the last day of the tenure of **Robert Clark**, MLA for Olds-Didsbury, as Leader of the Opposition in the Legislative Assembly. The Social Credit member stepped down as party leader at a party convention earlier that month. His party colleague, **Ray Speaker**, MLA for Little Bow, has been chosen as the new Opposition Leader in the House.

The government introduced thirty-nine pieces of legislation during the fall sitting, thirty-six of which received Royal Assent. The legislative activity was added to by thirteen Private Members Public Bills. Five Private Bills were introduced, all of which received Royal Assent. Included in the govern-

ment's bills were several revisions of major laws, as well as several important new statutes. The *Liquor Control Act, 1980* repeals and supercedes the 1958 law; The *Labour Relations Act* and The *Employment Standards Act* replaces The *Alberta Labour Act* of 1973; and The *Election Act, 1980* supplants the former legislation governing provincial elections. Two other comprehensive and revisionary bills, The *Business Corporations Act* and The *Personal Property Security Act*, were introduced but not pursued. The government intends to reintroduce them in the spring, after allowing for response and comments from interested individuals and groups.

Other important legislation includes The *Health Occupations Act*, The *Architects Act*, and The *Engineering and Related Professions Act*, intended to improve the means whereby these occupations can be regulated. The number of justices of the Court of Queen's Bench was increased from thirty-nine to forty-four, and a new position of Associate Chief Justice of the court was created by the *Court of Queen's Bench Amendment Act, 1980*. The *Legislative Assembly Amendment Act, 1980*, increases the payment to MLAs for the operation of constituency offices and services to \$10,000 from \$5,000, and allows a member to locate his constituency office outside of his constituency.

The House received two petitions during the sitting. **Henry Woo**, MLA for Edmonton Sherwood Park, presented a petition of over 11,000 signa-

tures, calling for the prevention of the annexation of any or all of the County of Strathcona by the City of Edmonton, **John Gogo**, MLA for Lethbridge West, presented a petition of 8,000 signatures asking that St. Michael's Hospital in that constituency be allowed to continue operating at its present capacity. Debate on the annexation issue has been promised for the spring.

Ministerial activity was abundant during the sitting. Dominant among the many statements made was that by Premier **Peter Lougheed** on the last day of the sitting. As a follow-up to a television broadcast responding to the federal budget, Mr. Lougheed announced the production of a brochure and the beginning of a nation-wide public awareness campaign on Alberta's energy and constitutional concerns and positions. The effort is directed to help:

Alberta citizens become as fully aware as possible of the basic facts in order that, if they wish, they as citizens can communicate to other Canadians the strong case felt by most Albertans for the need for justice and fairness by Ottawa.

In addition to the Premier's statement, the energy and constitutional issues were pursued by the Attorney General, **Neil Crawford**, and the Minister of Federal and Intergovernmental Affairs, **Dick Johnston**. Mr. Crawford announced that the natural gas tax will be challenged in court, as it pertains to a provincially-drilled well in southern Alberta. The question to be determined is whether the federal government is

constitutionally and legally able to impose such a tax. Mr. Johnston announced that Alberta would join five other provinces in initiating legal proceedings to obtain the court's opinion on the federal government's constitutional proposals and actions. As well, he announced that Alberta would not be making a presentation to the Special Joint Committee on the Constitution in Ottawa, but would be making a formal written presentation to the British Select Committee chaired by Mr. Anthony Kershaw.

On November 24, the Legislative Assembly devoted an entire day to debate on a motion advanced by Johnston, which asked the Assembly to express its oppositions to the federal government's unilateral patriation proposal and its support for patriation only with safeguards for provincial rights, interests, and jurisdiction, and to urge the resumption of federal-provincial constitutional discussions. The motion passed by a vote of 70 to 1.

A motion by Mr. Crawford on the last day of the sitting led to the formation of a Select Special Committee to "explore constitutional and related issues with members of other provincial legislatures, to gain knowledge of the point of view in other jurisdictions and convey the position taken by this Legislative Assembly." The Committee is chaired by **Gerard Amerongen**, Speaker of the Alberta Legislative Assembly. Its members are **Dennis Anderson**, MLA Calgary Currie, **Fred Bradley**, MLA Pincher Creek-Crowsnest, **Robert Clark**, MLA Olds-Didsbury, Dr. **Ian Reid**, MLA Edson, and **Charles Stewart**, MLA Wainwright. In January, the Committee toured Saskatchewan, Manitoba and the Maritime provinces, and in February it is scheduled to visit Quebec, Ontario, and possibly British Columbia and the Yukon.

Janet Kelly
Legislative Intern
Alberta Legislative Assembly
Edmonton



BRITISH COLUMBIA

The second session of the thirty-second British Columbia was prorogued on December 3, 1980. The session had opened on February 29, 1980 and sat for 116 days. During that time sixty bills were passed and authorization granted for the expenditure of up to \$5,799,629. In his closing speech the Lieutenant Governor, **Henry P. Bell-Irving**, referred to several policy and administrative initiatives.

In terms of fiscal policy, the government had provided taxation incentives for purchasers of more fuel efficient vehicles. In terms of energy policy, they had created the B.C. Utilities Commission and passed several energy related bills. In terms of economic policy, the House endorsed the government's applied research policy. It approved measures that will provide low interest loans to small businesses. Steps were taken to improve youth training and employment programmes. In terms of social policy, the government introduced incentives designed to alleviate current housing shortages. As well, the government introduced a dental care programme for the young, elderly, and the disadvantaged. In keeping with this government's apparent policy of reforming the administrative process, the legislature was asked to consider bills providing for a new ministry of Intergovernmental Relations, and new mandates for the ministry of

Tourism and the ministry of Agriculture and Food. The new ministry of Intergovernmental Relations opened its mission in the national capitol soon thereafter.

On December 4 a new session opened with a Speech from the Throne by the Lieutenant Governor. The principle objective of the government was the introduction of a motion pertaining to constitutional affairs. The entire session lasted only eight days. It was the first yuletide session since 1941.

The emotional and partisan constitutional debate occurred on December 11. Some fifteen members including nine from the government side debated the following motion for about six hours.

That we, the members of the Legislative Assembly of the Province of British Columbia, re-affirming our allegiance to the Crown, our commitment to a united Canada within the Canadian Confederation, and asserting the sovereign status of Canada as a free and independent nation, support

- (i) early patriation of the Constitution of Canada from the United Kingdom,
- (ii) a formula for the amendment of the Constitution of Canada in respect of matters affecting federal-provincial relationships,

With the consent of the Legislatures of all the Provinces and of the parliament of Canada.

In introducing this motion, the Premier of British Columbia, **William R. Bennett** argued that:

This motion will restore historic practices and traditions. It will give us an opportunity to come together in unity. It will allow us to patriate our Constitution — to have it in Canada — with an amending formula that, while preserving and protecting the heritage of the people of all provinces, will not demand the rigidity of unanimity that has pre-

vented us from proceeding with desirable change...

The Premier reviewed many of the actions of his government in constitutional matters since coming to office in 1975 and he went on to deplore "this unilateral action by the federal government. It is contrary to the basic concept of federalism for such basic changes to be put forward without first having the consent or approval of the provinces affected." In closing his speech, the Premier challenged the federal government to return to the conference table and the official Opposition to support his initiative.

The Opposition Leader, **David Barrett**, refused to support the motion. He said:

... if there was a genuine desire on the part of the government to have unanimity in the House on this single question of patriation, why not pick up the phone and call the Leader of the Opposition... Let it go on record that not one single effort was made to get unanimity in this House...

The Opposition Leader also criticized the government for refusing to establish a legislative committee to handle the matter. He challenged the government to go to the people on the issue.

How can we support this resolution, which I suspect is more than a little bit politically motivated, more than a little bit a continuing of Canada-bashing, more than a little bit provocative, in an attempt to find political ground of safety rather than building? The bluff has been called... put up or shut up.

The motion was finally approved with the House voting along party lines with twenty-nine members in favour and twenty-two against.

During the short Christmas session seven government bills and one member's bill was introduced. Six of the government bills were amendments to existing legislation. The new government bill was the *Senior Citizen Auto-*

mobile Insurance Grant Act introduced by **J.J. Hewitt**, minister responsible for the Insurance Company of British Columbia. The lone member's bill was introduced by **Al Passarell** (NDP — Atlin) and entitled *An Act To Prevent Uranium Mining and Exploration*. All bills remain on the order paper at 1st reading stage. The House did not consider any supply measures nor did it receive any reports from legislative committees in this period. The House adjourned until further notice on December 12. When the legislature resumes it will deal, on a priority basis, with matters of supply and ways and means.

Clarence Reser
Administrator
British Columbia Legislative Assembly
Victoria



ONTARIO

One of the highlights of the legislative session which prorogued on December 12, 1980 was the introduction by Labour Minister **Robert Elgie**, of Bill 209, *An Act to review and extend Protection of Human Rights in Ontario*. This bill proposes a new Ontario Human Rights Code. Perhaps the single most significant change is the explicit prohibition of discrimination on the basis of mental and physical handicap, with a broad definition of what constitutes a handicap. Other important extensions of anti-

discrimination protections are made pertaining to age, family and marital status. The new code also prohibits sexual harassment. The bill strengthens the powers of the Ontario Human Rights Commission in enforcing the code, and provides that the code will bind the Crown and will have primacy over all future legislation and over existing legislation in two years' time, unless specific exemptions are made. Bill 209 received second reading shortly before the end of the session and was supposed to be studied in detail by the Social Development Committee. However no action was taken due to the dissolution of the legislature on February 2. Election day was set for March 19, 1981. A summary of the campaign and complete election results will appear in the next issue of the review.

Among the more important pieces of legislation passed in November and December were Bill 82, an amendment to *The Education Act* requiring all boards of education in the province to provide special education services for their students; Bill 214 which establishes a fund to ensure the solvency of private pension plans in the event of the termination of the plan; and Bill 168 which amends the *Juries Act* in several respects, including a provision to permit blind persons to serve on juries.

Throughout January, the House was not sitting but committees were extremely active. The Resources Development Committee was conducting a thorough review of the Government's proposal to locate a major liquid industrial waste dump in South Cayuga. The Select Committee on Plant Shutdowns and Employee Adjustment continued its enquiry into plant closings, severance pay and a host of related issues. The Justice Committee sat very long hours to deal with the Ministry's licensing of certain investment firms. Other committees, on Ontario Hydro Affairs, on the Ombudsman and on Company Law may not have enjoyed such a high profile, but were also extremely busy.

Mini-Budget

Responding to what he termed the "failure of the Federal budget to address strategic economic and industrial issues," Treasurer **Frank Miller** announced on November 13 a series of "Supplementary Measures" to his April Budget. Inevitably, these supplementary measures were dubbed a "mini-budget". In order to stimulate demand, retail sales tax reductions totalling \$260 million were introduced, principally on major appliances, furniture, light trucks and vans and building materials.

To address the structural problems in the Ontario economy, Mr. Miller put forward a five point strategy which included: a complete review of the province's economic development programmes; provision of \$750 million for new initiatives in employment and regional development over the next five years; a full review of tax incentives, or "tax expenditures"; a tougher buy-Canadian public sector procurement policy; measures to advance high technology, world scale industrial development, research and investment in Ontario.

The Treasurer also announced the winding up of the Employment Development Fund, which was established in 1979, and the creation of a new Board of Industrial Leadership and Development (BILD) to "consolidate and co-ordinate the government's total economic development budget".

Replying on behalf of the Official Opposition, **David Peterson** called the Treasurer's statement a case of "promise unfulfilled". "There is really no substantial change, not one initiative here" concluded Mr. Peterson in his analysis of the province's economic situation and the Government's response to it. He supported the sales tax cuts, he said "because it is Christmas time and who is against Santa Claus?" **Floyd Laughren**, the New Democratic Party Treasury critic, told the House: "These supplementary actions do not do anyone in

Ontario any harm but they do not help those people who need it the most either". Mr. Laughren went on to outline the basic problems of the Ontario economy, which, he said, were not being properly addressed by the Government.

Questions of Privilege and Speaker's Warrants

On December 1, **Mike Breaugh**, NDP Member for Oshawa, rose in the House to complain of a breach of his privileges in that a letter from an inmate of Millhaven Penitentiary, a federal institution, had been opened prior to reaching him. Speaker **John Stokes** investigated this complaint and, having ascertained that no agent of the Ontario Government or Legislature had opened the letter, he communicated with the Solicitor General for Canada. The Speaker reported to the House, on December 11:

I am now advised by the Federal Minister as follows: Under section 8A(3) of the Directors of the Canadian Penitentiary Service Commissioners Directive No. 219 "Members of the Provincial Legislatures are included among those to whom inmates can forward correspondence unopened. In exceptional cases, however, where institutional staff suspect contraband in such privileged correspondence, it may be opened after the Commissioner has given his approval. There may have been a breach of this directive but I regret that I have no ability to enforce a Federal directive. I can only suggest that the Honourable Member for Oshawa raise the matter with the Solicitor General for Canada."

On December 8, High Park-Swansea MPP **Ed Ziemba** withdrew remarks adjudged unparliamentary by Speaker **John E. Stokes**. Thus ended over six months during which the Speaker refused to "see" Mr. Ziemba. This unusual procedure, which in effect prevented him from speaking in the House, was the Speaker's response to Mr. Ziemba's refusal to withdraw his unparliamentary

remarks. At the Speaker's request, committee chairmen similarly refused to recognize Mr. Ziemba. During this period, although he could not take part in debate in the House or committee, he did vote and place questions on the Notice Paper; at no time did he attempt to speak.

The period under review in this report has been notable for the large number of Speaker's Warrants issued to compel the attendance of witnesses and the production of papers. First were requests of Mr. Speaker from the Select Committee on Plant Shutdowns and Employee Adjustment that warrants be issued forcing two Canadian subsidiaries of American firms to produce financial information on industrial plants which had been closed.

A few days later, the Standing Committee on the Administration of Justice recommended to the House that a warrant be issued compelling Consumer and Commercial Relations Minister **Frank Drea** to produce all Ministry documents and files pertaining to certain investment firms which had been licenced by the Ministry and which subsequently went bankrupt. After a long debate, the House adopted the Committee's report and the warrants issued. This is believed to have been the first time in Ontario history that a Warrant was served on a Minister of the Crown.

Many of the documents covered by the Warrant were files and reports of the Ontario Securities Commission. On December 2nd, the Chairman of the Commission wrote the Speaker arguing, in effect, that although the Minister answers to the Assembly for the Commission, he has no direct statutory authority for it and accordingly the Warrant did not extend to the Commission. The Speaker read the letter to the House and indicated his view that it was not for him to rule on the legalities of particular actions of the House.

Ten days elapsed after the Warrant was issued and no documents

were received. On December 4, the Justice Committee recommended to the House that the Warrant be amended to require production of all documents by 9:00 o'clock the next morning. The Committee's recommendation was debated all through the afternoon and evening. Attorney General **Roy McMurtry** argued strongly that it was inappropriate and premature for the Committee to demand such sensitive documents. Opposition Members countered that it was entirely appropriate for the Committee to determine the circumstances under which the Ministry licensed the firms in question. In the event, a compromise was struck whereby the documents were delivered to the Committee on December 8th. Although the final decision as to which documents were made public was left with the Committee, an elaborate security system was established and a sub-committee struck to screen all documents and to make recommendations to the full Committee as to making specific documents public.

As the Justice Committee pursued its enquiry into this matter in January, it decided that, in order to offer protection to certain witnesses and to assure the attendance of other witnesses, Speaker's Warrants were issued to many of the key witnesses. The Committee requested that a Warrant be issued to Senator **Richard Stanbury** who had briefly acted in a legal capacity for one of the investment firms. Mr. Speaker Stokes refused on the grounds that the Warrant could not be valid so long as the Senate was in session. Senator Stanbury did, however, appear voluntarily before the committee.

Warrants were also issued to secure the attendance of two federal civil servants who had been involved in approving a federal charter for one firm. Federal authorities sought a judicial review of the warrant's validity but the legislature was dissolved before the review took place.

Television Recommendations

Following two joint meetings on the subject of televising House proceedings, the Procedural Affairs Committee, chaired by **Mike Breugh** and the Members' Services Committee, chaired by Mrs. **Margaret Campbell**, recommended to the House that "the Speaker assume responsibility for the immediate introduction of permanent and continuing television and radio coverage of the Legislature, under his control and authority". Except for special occasions, such as Budget night and last Spring's "Confederation Debate", television coverage of the Legislature's proceedings is of very poor technical quality, covers little beyond Question Period, and is not subject to firm "electronic Hansard" guidelines as in Ottawa. The report had yet to be debated, when the March 19 election was called.

Graham White
Assistant Clerk
Ontario Legislative Assembly
Toronto



SENATE AND HOUSE OF COMMONS

During the period under review (November 1, 1980 to January 31, 1981) most interest on Parliament Hill centred on the constitution and activities of the Special Joint Committee on the Constitution. The committee chaired by **Serge Joyal** MP and Senator **Harry Hays** be-

gan public hearings on November 7 and during the next two months some ninety-two groups and five individual witnesses were heard while nearly six hundred written briefs were received. Most submissions focused on the need to improve the proposed Charter of Rights and on the amending formula. Four provincial Premiers appeared before the committee: **Alan Blakeney** of Saskatchewan, **Richard Hatfield** of New Brunswick, **Angus MacLean** of Prince Edward Island and **John Buchanan** of Nova Scotia.

The Minister of Justice, **Jean Chrétien**, presented the committee with a series of amendments on January 12. They were designed to meet some of the criticisms raised during the hearings. The changes included an extensively rewritten Charter of Rights and a strengthened reference to native rights. The deadline for the committee was extended to mid-February but despite the changes the Constitutional proposals still face a long debate in the House of Commons and in the Senate before being sent to the British Parliament.

Another parliamentary committee was also studying the constitution although it received considerably less publicity than the Special Joint Committee. A sub-committee of the Senate Standing Committee on Legal and Constitutional Affairs headed by Senator **Maurice Lamontagne** presented its report on *Certain Aspects of the Canadian Constitution* on November 26. The first part of the report is a summary of various proposals for constitutional change particularly insofar as they affect the Upper House. It argued that the Senate should not be turned into any kind of federal-provincial chamber as proposed by the Task Force on Canadian Unity, or by various other recent reports. Instead it suggests the practice of First Ministers' Conferences be enshrined in the constitution as a Federal-Provincial Council to which would be assigned primary responsibility for overseeing areas of shared jurisdiction.

The second part of the report looks at ways the present Senate could be improved. It called for an increase in the size of the Upper House, a ten-year term for appointment renewable for further terms of five years on the recommendation (by secret ballot) of a special committee of the Senate. The legislative power of the Senate would also be limited to that of a suspensive veto whereby it could only delay legislation for a maximum of six months.

Reports of Parliamentary Task Forces

Of the six parliamentary task forces appointed in early 1980 two managed to make final reports before the original deadline of December 19. One other (the Task Force on the National Trading Corporation) made an interim report while three (the Special Committee on Alternative Energy and Oil Supply, The Special Committee on Employment Opportunities for the 80s and the Special Committee on the Disabled and the Handicapped) received extensions of various lengths.

The first task force to present a final report was the one on North-South Relations, chaired by **Herb Breau**. It set forth several recommendations designed to respond to the needs of developing countries in ways that would also promote Canadian interests in the world. It called on the Government to commit itself to reaching, by 1990, a target of .7% of Official Development Assistance as a portion of Canada's Gross National Product. Canada should also support changes in international financial agencies such as the World Bank and the International Monetary Fund to make them better meet the need of developing countries. The task force recommended that a high portion of Canada's development assistance should go to the poorest and most seriously affected countries. Food aid should be used only as a transitional measure to fill the gap between a country's food needs and its food pro-

duction. This type of aid should be part of a detailed and well-integrated program in which food production would increase. Other recommendations dealt with Canadian policies regarding trade, energy and other matters related to the broad question of international development.

The Task Force on Regulatory Reform chaired by **David Peterson** also presented its report on December 19. While this is a highly technical area the committee found a number of general themes underlying the whole question of regulatory reform. Among other things it called for a change in attitude as well as procedure regarding the use of regulations; the need for strong political leadership by ministers and individual Members of Parliament in this area and the need to emphasize the idea that people are "customers" of government and that customers must come first when it comes to delivering public services. The committee made twenty-nine specific recommendations. It called for greater consultation between government regulatory agencies and the private sector; establishment of a list of interested persons or industries to be notified automatically of new regulations; more advance notice of upcoming regulations. It said departments issuing regulations should spend more time assessing their impact. All regulations should be evaluated regularly and those identified as outdated or unnecessary should be discarded. Better procedural requirements for cabinet review of appeals were also urged.

The report contained recommendations regarding the role of Parliament in the regulatory process. It called for changes in the committee system so that standing committees could monitor the regulatory activities of departments and review the merits of specific regulations. This could not be done without major reforms to the present committee system but pending such changes it called for creation of a Special Committee on Government Regulation to oversee the regulatory

activities of federal departments and agencies.

The committee endorsed the Ontario practice of giving a greater role to parliamentary secretaries by establishing a Regulations Committee composed of all parliamentary secretaries and chaired by a minister responsible for regulatory reform. This body would examine regulations before they are submitted to cabinet for approval.

An interim report of the Special Committee on National Trading Corporations headed by **Jesse Flis**, was presented on December 29. The report summarized views presented to the committee regarding Canada's present trade position, trends in world trade, Canada's exporting marketing structure and views on National Trading Companies in other countries.

Other Committee Activities

The House Standing Committee on External Affairs and National Defence, chaired by **Marcel Prud'homme**, examined the question of whether Canada should renew its participation in the North American Air Defence Command (NORAD). After hearing some twenty-one witnesses, mostly from the Department of External Affairs and National Defence, the committee concluded that NORAD was the most efficient and cost-effective way for Canada to contribute to the defence of North American airspace while assuring the production of Canadian sovereignty. It said the NORAD Agreement should be renewed with only minor changes for a further five year period.

On November 5 a sub-committee of the External Affairs Committee chaired by **Charles Caccia** presented a report on the Conference on Security and Co-operation in Europe. The sub-committee focused on two main questions: how well are the provisions of the *Helsinki Final Act* being carried out, particularly those provisions relating to human rights and what objectives should be pursued by the Canadian

delegation to the Madrid Conference on European Security.

On December 16 the Standing Joint Committee on Regulations and Other Statutory Instruments reported on the subject matter of the enabling clause in the *Canada Post Corporation Act*. This is the first time the government has acted in response to a previous request by the committee that enabling clauses be referred to the Joint Standing Committee for review. The committee raised some problems about the definition of the word "letter" and whether it would apply to electronic or optical means of telecommunications. The committee noted that amendments proposed by the Postmaster General would meet some but not all of the difficulties. The committee also objected to the wording of a clause which would allow the Corporation to hold mail in any circumstances provided by regulation.

Other Parliamentary Business

One of the few bills to receive royal assent during the last few months of 1980 was the *Bank Act*. The long delayed revisions will allow increased competition for chartered banks both from other financial institutions and from foreign banks whose establishment in Canada was made somewhat easier under the new act. On December 18, the House of Commons held an emergency debate on a motion criticizing the government's handling of the economy particularly with regard to unemployment and inflation. The debate lasted throughout the night and did not adjourn until seven o'clock the following morning. Later that day Parliament adjourned for the Christmas break and when it returned on January 12 it faced a heavy schedule including debate on the government's energy policy and various amendments to the *Income Tax Act*. The government's *Access To Information Act* received second reading and was referred to the Standing Committee on Communications and Culture on January 29.

The Editor



YUKON

The major pieces of legislation passed by the Yukon Legislative Assembly were described in the last issue of the *Canadian Parliamentary Review*. Before the third session of the 24th Assembly adjourned on November 13, 1980 legislation was introduced and passed to give effect to recommendations of the Standing Committee on Rules, Elections and Privileges concerning the law regarding elections administration and conflict of interest rules for members of the Assembly. The salient points of the committee's report were provided in the last issue of this review.

Although the Assembly was adjourned the Standing Committee on Public Accounts began its hearings on January 19, 1981, and called the Departments of Finance, Highways and Public Works, Government Services, and Renewable Resources to appear. In 1980, its first year of operation all meetings of this committee were held *in camera* although transcripts of the hearings were appended to its report. The committee has since decided to open its hearings to the public and the media. To date, there has been no appreciable change in the manner in which such hearings are conducted.

Patrick L. Michael
Clerk
Yukon Legislative Assembly
Whitehorse, Yukon



NORTHWEST TERRITORIES

The third session of the Ninth Legislative Assembly resumed on October 22, 1980 in Frobisher Bay after a four month recess. The Session began in Baker Lake on June 11 and recessed June 20, 1980. Since 1976 all Assembly sessions were held in Yellowknife but with the introduction of the Ninth Assembly a decision was made to bring the Assembly to the people.

In Baker Lake, Commissioner **John Parker** in his Address to the Assembly stressed the importance of having the government and Assembly understood by the people of the North. He said that another benefit of meeting away from Yellowknife is that Members will be exposed to the views of the people, bringing about a better understanding of regional concerns. As a first item of business, the Legislative Assembly elected **Donald M. Stewart**, the member for Hay River, to the office of Speaker, replacing **Robert H. MacQuarrie** who had resigned from that office, although remaining a member of the Assembly.

The Special Committee on Unity, which was established early in the life of the 9th Assembly "to determine the means by which political consensus would be generated amongst the people of the North", presented its final report and recommendations on October 22. Consideration of this significant report occupied a major part of the session and

included appearances by witnesses representing Inuit Tapirisat of Canada, the Dene Nation, the NWT Metis Association and the NWT Association of Municipalities and by **Peter Ittinuar**, MP and **Dave Nickerson**, MP. The recommendations were debated extensively and adopted with amendments. The Assembly gave commitment in principle to the division of the existing NWT into an Eastern and a Western Territory, recommended a plebiscite on division be held in the NWT, and that a constitutional development committee be established to investigate future constitutional development in the Western NWT.

The Administration introduced a total of 19 bills at Frobisher Bay, consisting of 3 new bills, one repealing bill, a Supplementary Appropriations Ordinance, and 14 amending bills. All were passed and received assent. The new bills were: *The Baffin Regional Council Ordinance* which provides for the incorporation as a legal entity of the Baffin Regional Council and sets out its composition, procedures, powers and method of operation; *The Ophthalmic Medical Assistants Ordinance* which provides for the registration of three levels of ophthalmic medical assistants, defines their qualifications and provides for disciplinary measures; *The Legal Questions Ordinance* which provides a means for obtaining legal opinions from the Supreme Court of the Northwest Territories which will have the force of judgements, with an exception regarding the income tax collection agreement; *The Agisters and Livery Stable Keepers Ordinance* which applied only to establishments of this type operating outside municipalities, was repealed.

The Legislative Assembly, by adopted motion, recommended to the Commissioner that the two existing vacancies on the Executive Committee be filled by the appointment of **Dennis Patterson** (Frobisher Bay) and **Kane Tologanak** (Central Arctic). The Assembly recommended that the Executive Committee enter into negotiations

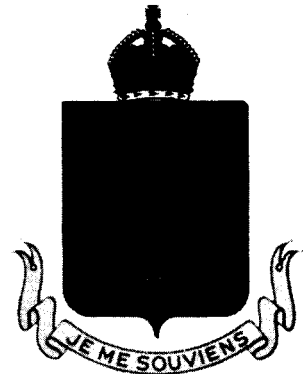
with the federal government with a view to establishing a Territorial Power Corporation to replace the existing Northern Canada Power Corporation.

A motion instructed the Members Services Board of the Assembly to investigate the means by which the rules, dress, decor and practices of the Legislative Assembly could be made more reflective of the land, customs and traditions of the people of the North. The question of making meetings of standing committees of the Assembly open to the public will also be examined.

Members were appointed to form special committees on constitutional development and to oversee a study of the impact of division, which was recommended by the report of the Special Committee on Unity. A three member delegation was selected to deliver the recommendations of the Unity committee to the Prime Minister and other officials in Ottawa.

During the session a number of position papers introduced by the Administration were considered and accepted. These covered such matters as: principles for the development of an energy policy; political rights for Territorial public servants; options for a position on the proposed resolution of the Canadian constitution; and a Police Advisory Commission of the NWT. An extensive number of written and oral questions were directed to Ministers concerning subjects such as communication, constitutional development, education, electric power, employment, mineral, oil and gas exploration, health, highways, liquor, municipal affairs, police services, taxation, transportation and wildlife.

William Remnant
Clerk
Legislative Assembly
Northwest Territories



QUEBEC

The constitutional question dominated debate in the National Assembly during the first part of the sixth session of the 31st Legislature which opened on November 5, 1980. Reference to the disagreement between Ontario and Quebec City was first made by Lieutenant Governor **Jean-Pierre Côté** who pointed out in his opening statement that it was "because of the alarming developments in the constitutional question" that Members had been recalled to a new session. This same theme was taken up by Prime Minister **René Lévesque**, in his inaugural speech. The Leader of the Government stated that the situation was extremely urgent and serious in view of the federal government's recent decision to impose constitutional changes which would further centralize powers and lead to an unprecedented subordination of the powers of provincial governments.

As soon as the Leader of the Official Opposition, **Claude Ryan**, and the Parliamentary Leader of the Union Nationale, **Michel Le Moignan**, had responded to his inaugural speech, Mr. Lévesque introduced a motion condemning the unilateral action taken by the federal government in this matter. After three weeks of heated debate during which amendments and sub-amendments were introduced in an attempt to reach an agreement on the

wording of the motion, no consensus could be reached. The motion was adopted by a majority of votes.

Members also began hearing testimony from persons and groups wishing to express their views on the federal government's proposed resolution respecting the Constitution of Canada. The Standing Committee on the Presidency of the Council and on the Constitution conducted hearings on this subject in December and further public hearings were held in February.

New Civil Code and Family Law Reform

From a legislative standpoint, the most important measure adopted before the Assembly adjourned for the holidays was without a doubt Bill 89, *An Act to establish a new Civil Code and to reform family law*.

The sanctioning of this Bill was the end result of a lengthy process undertaken in 1955 at which time the Assembly decided to entrust the general revision of the Civil Code of Lower Canada to a jurist. In 1960, it was decided that his report would serve as a basis for preparing the final draft of a new Civil Code. The report was tabled in the National Assembly on June 20, 1978.

The Standing Committee on Justice devoted seven sessions to studying this Bill following its adoption on second reading. The unanimous consent of the Members was required to ensure third reading of the Bill before adjournment since the Committee's report was also being considered at the same sitting. The Opposition gave its consent when the government promised not to enforce the new Civil Code before April 1, 1981.

Some twenty other government bills were adopted, one of which sanctioned the merger of the Motor Vehicles Bureau and the Quebec Automobile Insurance Board. A Bill to establish a new

Highway Safety Code was also given second reading. On December 19 the Assembly adjourned with the new sitting scheduled for March 10, 1981.

New Speaker of the National Assembly

Mr. **Claude Vaillancourt** was elected speaker of the National Assembly several days after the official opening of the session. Mr. Vaillancourt's official accession to the speakership was delayed five days following the Opposition's insistence that, in accordance with tradition all leaders of parties represented in the National Assembly be consulted. Since a cabinet shuffle had taken place only a few hours before the November 6 session, the Prime Minister had not informed Messrs. Ryan and Le Moignan of his intention to propose the Member for Jonquière for President. He apologized, explaining that he had not had time to consult with them in the regular manner and that in any event, he did not foresee any opposition since Mr. Vaillancourt was already Vice-President and had already received everyone's support while serving in that capacity. However, it was not to be. The Premier had to resign himself to waiting until the next sitting, Tuesday, November 11. At that time Mr. Vaillancourt was elected speaker with the full support of the House. Mr. **Jean-Pierre Jolivet** was elected Vice-President, joining Mrs. **Louise Cuerrier** who has been serving in this capacity since 1976.

Paul-Emile Plouffe,
Chief, Revision Service,
Journal of Debates,
Quebec National Assembly



NEWFOUNDLAND

The second session of the Thirty-Eighth General Assembly of Newfoundland was prorogued on 17 December, 1980, after eighty sitting days.

During the November-December portion of the Session, the House of Assembly passed the *Upper Churchill Water Rights Reversion Act*, which has as its purpose the realization of vested rights by the return of unencumbered ownership and control to the Province of the Upper Churchill water rights. The aim of the act is to achieve fairness and equity in the utilization of the Churchill Falls hydro resource.

The House also passed an act whereby a major industrial electrical energy consumer will eventually pay twelve times as much for its electricity as it does at present. The existing electricity rate has already been tripled to eight mills per kilowatt hour from 2.5 mills. The company involved is ERCO Industries Limited (formerly the Electric Reduction Company of Canada, Limited), a subsidiary of Albright, Wilson Limited, a United Kingdom company, which operates a phosphorus plant at Long Harbour, P.B. Under the terms of an agreement signed in 1966 between ERCO and the Government of Newfoundland, the cost of electrical energy to ERCO was heavily subsidized.

The national debate on constitutional reform was thoroughly aired in the House of Assembly. Premier **Brian**

Peckford placed the following Resolution on the Order Paper:

whereas the proposed Constitutional Resolution currently before the House of Commons and Senate of Canada will, if implemented unilaterally adversely affect the rights of this Province as now enshrined in our Terms of Union as agreed to with Canada in 1949;

and whereas the proposed Resolution does not address the areas of shared fisheries jurisdiction, provincial ownership of offshore oil and gas, and the free transmission of electrical energy across neighbouring provinces which are vital to the development of this and other provinces;

be it resolved that this House supports the patriation of the Constitution of Canada but strenuously objects to the present intent of the Federal Government to unilaterally request the Government of the United Kingdom to first cause the *British North America Act* to be altered and in particular to have imposed a new amending formula;

be it further resolved that this House urges the federal government to recognize the established Canadian practice of determining internal Canadian relationships by consultation and agreement with all Canadian governments and immediately reinstitute federal-provincial constitutional discussions with the aim of altering the constitution to provide amongst other things for recognition of shared jurisdiction in fisheries, confirmation of provincial rights to offshore resources and confirmation of the right to transmit hydro power across neighbouring provinces;

“be it further resolved that this House urges the Parliament of the United Kingdom not to enact amendments to the *British North America Act* that effect federal-provincial relationships without the federal government having first consulted with and obtained the agreement of the provinces.”

After extensive debate and two attempts at amendment (the second was ruled out of order by Mr. Speaker **Len**

Simms), the Resolution was adopted on division with thirty Members voting in favour and fourteen against.

Mr. Tom Rideout has been named Chairman of a select committee to study resource management, especially in the area of non renewable resources. The committee was established as the result of a Private Member's Motion introduced by Mr. Rideout. The committee has a mandate to report to the House on the advisability and feasibility of the province becoming a partner in the development of all non-renewable resources and on the establishment of a Non-renewable Resource Fund to be funded by the industrial exploiter. One of the chief purposes of such a fund would be to provide financial relief to areas where non-renewable resources have been exhausted and to help in attracting alternate industry.

The Public Accounts Committee met during the adjournment in order to prepare its report to the House of Assembly which reconvened on February 25.