



Reports on Legislative Activities



Northwest Territories

The fourth session of the Tenth Legislative Assembly of the Northwest Territories began with great ceremony on February 6, 1985. Celebrations to mark the official opening of the Assembly's new facilities in Yellowknife were attended by three former Commissioners, a former Deputy Commissioner and many former MLAs and Councillors.

In his opening address, Commissioner **John Parker** recognized the contributions of his former colleagues and predecessors. "In looking back over the last 34 years (to 1951 when the NWT Council included elected members for the first time), I congratulate our predecessors for their dedication, tremendous services and determination in bringing the NWT to the point at which it stands today", the Commissioner said.

Minister of Indian Affairs and Northern Development **David Crombie** also addressed the Assembly on opening day, noting that "in all of Canada, the development of new democratic institutions has never been so full and rapid" as in the Northwest Territories. Mr. Crombie further announced Federal government support for division of the Northwest Territories into two territories, along a proposed boundary agreed to in principle in January by the Constitutional Alliance, the group charged with arriving at a consensus on division. The Alliance was created by the Legislative Assembly and includes MLAs as well as leaders of northern native organizations.

The proposed boundary placed the Inuvialuit communities of the Beaufort area in a western territory and allowed four central Arctic communities the right to decide whether to join the eastern territory, Nunavut, or the western territory.

Although the six-week session was intended to deal primarily with the 1985-86 budget, constitutional development became the major and controversial focus of debate. The future of the tentative boundary

agreement appeared uncertain when **Dennis Patterson** (Iqaluit), chairman of the Nunavut Constitutional Forum, one of the two regional groups reporting to the Alliance, announced his resignation because members of the NCF had serious doubts about the terms of the conditional agreement.

Shortly after his announcement, the report of the Constitutional Alliance setting out the terms of the agreement was on the order paper for discussion in Committee of the Whole. Nunavut Caucus members, who felt they were not prepared to discuss the agreement so soon after Mr. Patterson's resignation, made a motion calling for postponement of the discussion.

This motion was ruled out of order and Nunavut Caucus members left the Chamber. The Assembly was then without a quorum until eventually all Western Caucus members were present in the Chamber and voted unanimously to endorse the report and its principles for division.

Then followed an attempt by Nunavut Caucus members to re-open debate on the agreement, but Mr. Speaker, the Hon. **Donald Stewart**, ruled a motion setting out principles for progress toward establishment of two territories out of order and further ruled that debate could not resume on a matter that had already been voted upon and endorsed by a majority of the members.

Members from the Eastern Arctic tried unsuccessfully several more times to re-open debate and finally MLAs decided to take a two-week break to allow tempers to cool.

In the final days of the session, a motion to endorse the work of the Constitutional Alliance and continue negotiations towards division was carried, along with an amendment calling for increased participation by the Government's Executive Council in the constitutional development process.

Following the break, the session resumed on March 13 and members got down to the business of approving the annual budget for this fiscal year of over \$615 million, divided among 24 departments, boards and secretariats. This was the first budget to be tabled since the introduction of the new formula financing agreement with the

federal government, allowing for long range financial planning.

Other legislation approved during this session includes:

- amendments to the *Interpretation Act* officially changing the name of the NWT Council to the Legislative Assembly and changing Territorial Ordinances to Acts;
- amendments to the *Workers' Compensation Act* increasing the year's maximum assessable remuneration, the amount on which benefits are based;
- amendments to the *Young Offenders Act* outlining provisions for dealing with 16 and 17-year old offenders;
- a financial agreement between the government of the Northwest territories and the federal government providing for payment of a grant to the territorial government over the next three years;
- amendments to the *Council Act* increasing salaries, indemnities and allowances for members; and,
- amendments to the *Vehicles Act* allowing regulations setting out the powers of officers and setting size and weight conditions for vehicles on NWT highways.

A bill amending the *Public Service Act* to make it an offence for any government employee or former employee to disclose confidential information learned through his or her employment was allowed to die on the order paper as a result of opposition from the public, government employees' unions and some Members.

The *Mental Health Act*, proposed new legislation setting out the legal framework and procedures for the committal of mentally disordered people, was tabled for consideration at a future session.

On March 28, Commissioner Parker gave final assent to nine bills and, in proroguing the session, announced that the Assembly would travel to Rankin Inlet for the spring session beginning June 5, 1985.

Ann Taylor

It has become standard practice for the Legislature to authorize by special order committees to sit during a recess, notwithstanding the prorogation of the House. Five standing committees and one select committee were given such authorization in December to consider legislation and special issues.

The Procedural Affairs Committee met for three days in Boston with Senators and representatives of the Commonwealth of Massachusetts to discuss procedure in the General Court. In particular the committee looked at the budget process, the right of citizens to petition for legislation and television coverage in the House. As well, the committee discussed Ontario-Massachusetts interests and the reliance of Massachusetts on Canadian energy resources. In addressing the committee, the Senate President, **William Bulger**, and House Speaker, **George Keeverian**, recognized the importance of such visits in developing an understanding of the legislative process in each jurisdiction and in strengthening Commonwealth-Provincial relations. The committee also continued its review of agencies, boards and commissions of the Government of Ontario, bringing to 69 the total number of agencies reviewed since 1977.

The Standing Committee on Regulations and Other Statutory Instruments travelled to Washington, D.C., to meet with members and officials of the Senate and the House of Representatives for two days of intensive discussion on procedures regarding public input into regulations. One of the Committee's other functions is to consider private bills and it met during the recess to consider Bill Pr47, *An Act respecting the City of Etobicoke*.

The Standing Committee on Social Development discussed and formulated recommendations respecting day care in Ontario. The House had authorized the committee to consider the principle and the terms of the *Day Nurseries Act* and, although the committee was not authorized to make a report to the House, the results of its consideration of the Act were forwarded to the Minister of Community and Social Services. The 47 recommendations identified problems including insufficient funding, lack of availability as well as the special concerns of rural areas and small communities. With respect to

work-place related day care, the committee recommended that the Ministry of Community and Social Services "study and actively promote work-place related services." The committee also recommended that a model work-place day care centre be established at Queen's Park. Attached to the recommendations were dissenting opinions of members of both the Liberal and New Democratic Parties. The Liberal members felt that the recommendation to improve accessibility was not strong enough, stating that the Ministry should ensure accessibility through increased publicly owned day care centres. The NDP members introduced three recommendations dealing with the immediate creation of more subsidized spaces, capital assistance and start-up funding, and a salary increase for day care workers.

Both the Standing Committee on Public Accounts and the Select Committee on the Ombudsman met and subsequently submitted their annual reports. The Standing Committee on Resources Development met for two weeks in February to consider the 1983 Annual Report of the Workers' Compensation Board in accordance with the *Workers' Compensation Act*.

The Election

On Monday, March 25, Lieutenant Governor **John Black Aird** issued a proclamation dissolving the 32nd Parliament, and naming Thursday, May 2, as the date for a general election. Premier **Frank Miller** had announced previously that the Legislature would meet for the fifth session on April 4.

Issues in the election campaign focussed on jobs, the environment, day care and the economy. Mr. Miller announced a \$1.3 billion Enterprise Ontario program, designed to stimulate small business through tax breaks, including \$22 million to be spent on day care. The Premier also stated his intention to implement an equal pay for work of equal value model within the Civil Service and a four year credit assistance program for farmers. Dogged by criticism of his refusal to participate in a televised public debate with the opposition leaders, Mr. Miller chose instead to rebut opposition policy with press conferences and face to face meetings with the public. On Thursday, April 26, Mr. Miller unveiled an eleven point socio-economic program that included family law reform, a new cabinet minister for the elderly and a proposed resolution urging Ottawa to restrict the import of foreign automobiles.

Liberal Leader **David Peterson** announced proposals to impose a minimum 20% tax on the rich, encourage construction of new rental accommodation, and allow the sale of beer and wine in small specialty food stores. Mr. Peterson also promised to legislate equal pay for work of equal value and to fund new day care spaces. As well, he indicated that his party's priorities included the elimination of extra billing by doctors and a \$100 million job creation program using the sale of Suncor to pay for it.

New Democratic Party Leader **Bob Rae** centred his campaign on four main issues including equal pay for work of equal value, tax reform, environmental cleanup and jobs. He called for the immediate creation of 10,000 day care spaces, mandatory Affirmative Action and voiced his support of free standing abortion clinics. Mr. Rae also proposed \$75 million in aid to farmers and a wage subsidy as an incentive to small businesses to hire young people.

One issue had the agreement of all three political parties. On June 12, 1984, then Premier **William Davis** announced an extension of separate school funding. Since there was unanimous agreement among the three parties on the provision of such funding, there was no debate on the issue during the election campaign. However, as the election progressed individuals and organizations, primarily the Ontario Secondary School Teachers' Federation and some senior members of the Anglican Church, urged that the party leaders debate the subject. At the close of the campaign no formal debate had taken place and many observers felt that separate school funding may have been a major factor in the election outcome.

The election results left Premier Frank Miller with a 52-seat minority government. The 20 seat loss included eight cabinet ministers. The Liberals won 48 seats in the House, their biggest gain in over 40 years. The New Democratic Party gained three seats to bring their representation in the legislature up to 25. Of 69 women candidates, a record nine were elected, four more than the five who held seats at dissolution. Although the Conservative party won more seats, the Liberals led in the popular vote, receiving 1,374,273, or 38% compared to 1,340,932 or 37% for the Conservatives. The New Democrats won 863,104 or 24% of the popular vote. About 1% of the population voted for other parties. Voter turnout in this election was 64%, 6.3% higher than the 57.7% who voted in 1981.

Deborah F. Deller



Alberta

The Honourable **Helen Hunley**, Alberta's first woman Lieutenant Governor opened the third session of the Twentieth Legislature on March 14, 1985. The Speech from the Throne, in setting forth the priorities for the coming year, emphasized the following areas: economic recovery and employment stability, agriculture, basic education reforms, and industrial and science strategy. In terms of fiscal policy, the government will continue with its plans for regulation reform, deregulation and privatization.

The Speech from the Throne was promptly followed by the 1985 budget address on March 25. The government is optimistic about economic recovery in Alberta and has proposed a number of measures to assist in this recovery. The highlights of the 1985 budget include: no new taxes, no increase in existing taxes and no increase in health care premiums; tax reductions to spur manufacturing, processing and upgrading industries; a 144 million dollar employment and manpower training initiative; increases in financial assistance for post secondary students; 2.2 billion dollars in support for basic and advanced education; a reduction for the third year in a row, of permanent, full time public service positions; and the diversion of the entire investment income of the Alberta Heritage Savings Trust Fund into the province's general revenue.

Education and Senate reform are two important issues being dealt with in this session. The Alberta Select Special Committee on Upper House Reform reported its position on Senate reform. The recommendations include that the Senate of Canada be directly elected, that each province be represented by an equal number of Senators and that the Senate, in fulfilling its original purpose be granted the authority to effectively represent the regions. However, the report makes clear that the Senate should not become a forum for intergovernmental negotiations. This function, it is suggested, should continue to be facilitated through regular First Minister's conferences.

The Committee was encouraged by the results of the First Minister's Conference on the Economy held in February in Regina, particularly with the signing of the accord which will institutionalize such conferences on national economic policies. It felt that this accord will strengthen relations between federal and provincial

governments within the federal system and thereby lead to greater national unity.

Another important concern over the last several years has been education. As a result of input from community professional and public sectors, the government of Alberta will introduce a new *School Act* in the fall of 1985. The proposed Act will deal with such items as the curriculum, the status of private schools, the certification of teachers, academic standards, and the development of mechanisms designed to better co-ordinate all those engaged in educating elementary and secondary students.

Jean Munn



Saskatchewan

On April 10, 1985, the session that had been recessed in December was resumed with the presentation of the budget by the Minister of Finance, **Bob Andrew**. Budget highlights included an announcement of a five-year increased financial commitment to four sectors — health, education, agriculture and employment creation while spending in other areas was held static or reduced. While the budget recorded another deficit, revenues were increased through removal of certain tax rebates and the implementation of what some observers described as an innovative tax change — application of a flat tax of one per cent on net income as defined by Revenue Canada.

On the day that the new Canadian Charter of Rights came into effect, the government introduced an omnibus bill amending forty-one provincial acts as a consequence of the provisions of the Charter. It was an occasion for expressions of commitment to the principles of the Charter from both sides of the House.

Another bill of wide public interest was the legislation put forward by the Minister of Finance respecting the provision of financial assistance to unsecured depositors of Pioneer Trust Company. Pioneer Trust was a Saskatchewan-based company that was ordered into liquidation in January.

The Special Committee on Regulations tabled its report on April 22, 1985, respecting two White Papers on accountancy. The report dealt primarily with recommendations regarding a proposed new Act governing the Institute of Chartered

Accountants in Saskatchewan. The Committee recommended that the Institute's request for extensive bylaw making powers be substantially limited. The report is currently before the House for debate.

Gwenn Ronyk



Senate

The period under review was one of the most interesting in the long history of the Senate due mainly to the disposition of Bill C-11, *An Act to Provide Borrowing Authority*.

On January 23, the bill was referred to the National Finance Committee which heard testimony from Finance Minister **Michael Wilson** and Minister of State (Finance) **Barbara McDougall**. The Government urged senators to pass the bill quickly. It had been passed by an all-party agreement in the Commons. Its main purpose was to allow borrowing to strengthen the Canadian dollar which other wise would have to be done under Section 39 of the *Financial Administration Act*, a more costly proposition. The Opposition argued that approval for government borrowing for a future fiscal year before spending plans had been announced violated a traditional parliamentary principle. It also insisted that the Senate had an independent constitutional role to play and should not be bound by party agreements in the other place.

While the Commons recessed in mid-February for a week, the Senate sat to debate Government Leader **Duff Roblin's** motion that the National Finance Committee report Bill C-11 immediately. There followed one of the most animated debates the Senate has ever seen in recent years. Opposition Leader **Allan MacEachen** reminded the Conservatives of the exigencies with regard to borrowing they had placed on the government when they were in opposition. **Lowell Murray** accused the Liberal members of the Finance Committee of being "a hit team inspired by frustration bitterness and vengeance". After two day's debate, Senator Roblin's motion was defeated and the bill remained in committee.

When the Commons resumed its sittings and the 1985-86 Main Estimates were tabled on February 26, the committee agreed to report Bill C-11 without amendment but with the recommendation that "the Senate

remain reluctant to approve any request for borrowing authority if such a request is not supported by a budget or by main estimates for the period for which the borrowing authority is being requested". The bill was quickly given third reading and passed on February 27.

Political and constitutional repercussions quickly followed from the Senate's handling of Bill C-11. Knowing that it would be in a minority situation in the Senate for the next few years, the Mulroney Government announced it would seek provincial consent to limit the Senate's powers. After weeks of speculation, Justice Minister **John Crosbie** gave notice on May 7 of its constitutional amendment. Money bills would have to be passed within 30 days and all other bills within 45 days. If the Senate had not passed Commons bills within these periods, they would be presented automatically for Royal Assent, unless the Commons directed to the contrary. The resolution also committed the Prime Minister to convene a First Ministers' Conference to consider proposals for Senate Reform before the end of 1987. No such constitutional amendment can be adopted with the consent of the provinces as outlined in the *Constitution Act 1982*.

Committee Activity

Many committees began special studies. On February 6, approval was given to Senator **Jack Marshall's** motion to authorize the Agriculture, Fisheries and Forestry Committee to report on all aspects of the marketing of fish in Canada. On February 13, **Arthur Tremblay's** motion to allow the Social Affairs, Science and Technology Committee to examine the *Consultation Paper on Child and Elderly Benefits* was adopted. Senator **Leopold Langlois's** motion to authorize the Transport and Communications Committee to study the subject-matter of the Transportation of Dangerous Goods Regulations was adopted on February 14. **Herb Sparrow's** motion to authorize the Agriculture Committee to examine the impact of the recommendations contained in its earlier report "Soil at Risk — Canada's Eroding Future" was approved on March 26. Finally, the Standing Rules and Orders Committee was given two orders of reference. On March 13, the Committee was requested to consider the question of the audio recording and broadcasting of the proceedings of Senate Committees and on April 30, **John Godfrey's** motion pertaining to the invitation of provincial governments to appear before Senate

committees whenever a bill was being considered by a committee in which a province has a general interest was referred.

Gary O'Brien



House of Commons

From February through the first weeks of May, numerous bills received third or second reading and others were introduced and debated. These bills have not been the focus of sustained controversy or dispute, with two exceptions: Bills C-15, the Investment Canada Act, and C-24, the Oil Substitution Act. Two others, each involving the rescue and support of a financial institution, went through second and third reading stages in one day.

Perhaps the most startling and unexpected announcement to be made in the House recently came on February 12 when **Robert Coates** resigned as Minister of National Defence following the public disclosure of his visit in the company of two senior aides to a "notorious" night club near Lahr West Germany the previous November. In making his statement, Mr. Coates noted that the published article ... contained "many inaccuracies and those inaccuracies are wrong, libellous and even suggest a breach of security." Accordingly, he said that he had retained counsel and would pursue the matter in the courts. The official opposition spokesman expressed sympathy and support, observing that Mr. Coates had done the honourable thing.

The Standing Committees have been busy with estimates which were all deemed reported March 21 and concurred in four days later before the House voted interim supply. The Committee on Fisheries and Forestry presented a report urging the government to postpone for a year the CNR twin-tracking project "while the social and environmental impacts on the 36 Indian bands most indirectly impacted by this project are assessed."

The Special Committee on the reform of the House presented its second report March 26 which proposed several changes to the Standing Orders and recommended improvements respecting the Member's accommodations. The committee recommended replacing the current practice of Royal Assent on most occasions by a declaration of Royal

Assent to be read out by the two Speakers. The Committee also recommended the introduction of broadcasting of some committee proceedings and the institution of an electronic voting system. They further proposed that the responsibility for overseeing the maintenance of the parliamentary precincts should be entrusted to an Intendant and that the present Justice Department be added to the precincts to meet the shortage of office space.

Almost one month later, the Government made its response to the Special Committee's first report. On April 18, **Ray Hnatyshyn**, the President of the Privy Council, expressed the government's willingness to adopt the recommendations contained in the first report of the task force for a trial period of one year beginning in September.

Among the reforms to be implemented is one regarding the scheduling of Private Members' Business which is now to be arranged by the Table Officers rather than the Government House Leader's office. This change, it is hoped, will encourage Members to feel that their right to initiate legislation is not being controlled by the Government. As it happens, Parliament has seen a considerable increase in the "success rate" of motions and bills proposed by Private Members. In the period under review, for example, a motion by **Reg Stackhouse** urging the government to consider the advisability of introducing a motion to amend the Constitution with respect to the Senate was adopted on March 8. Several days later another motion, this one in the name of **Jean-Robert Gauthier**, was also adopted; his motion urged the government to consider implementing "a modern high technology training and development program". On March 26, Bill C-225, sponsored by **Svend Robinson** and seeking to amend the *Canadian Human Rights Act* and prohibit discrimination on the basis of sexual orientation was withdrawn but its subject-matter was referred for study to the Standing Committee on Justice and Legal Affairs. Two other Private Members' bills were also withdrawn and their subject-matter referred to committee. Both Bill C-211 and C-229, the first dealing with heritage railway stations and sponsored by **Gordon Taylor**, the second proposed by **Jim Manly** and seeking to amend the Railway Act.

Yet another bill, Bill C-215, moved by **Lorne Nystrom** and respecting parity prices for farm products, was actually read a second time and referred to the Standing Committee on Agriculture.

Charles Robert