



Reports on Legislative Activities



On June 19 the National Assembly adjourned until October 21, bringing to an end the first session of the Thirty-third Legislature. In the course of the 49 sittings since its opening on December 16, 1985, the spring session adopted a \$28.7 billion budget for the 1986-87 fiscal year and enacted 79 of the 105 bills before the Assembly.

The end of session capped the first six months of a government agenda featuring a number of important decisions: reorganization of the government's regulatory procedures (Bill 12); tightening up of the *Highway Safety Code* (Bill 60); protection of non-smokers (Bill 84); determining the eligibility of certain children for instruction in English (Bill 58); restructuring of Radio-Québec (Bill 61); sale of the Saint-Hilaire sugar refinery (Bill 85); and the May 20-23 hearings of the Committee on Culture on the financial situation facing the arts community. In addition, the examination of the departmental estimates provided an opportunity to evaluate the budget rationalization announced by Treasury Board president **Paul Gobeil** when the Liberal government took office.

There were few ministerial statements in the House (five in six months) and one debate on the Canadian Constitution, although the session had begun with a flurry of questions by the Opposition on the government's position on the constitutional issues. On March 20 Quebec abandoned use of the "notwithstanding" clause exemption provided under the Canadian Charter of Rights.

In daily oral question period the Opposition pressed for information on the government's true financial situation. It called without success for a detailed listing and explanation of the

budget cutbacks in the current fiscal period. In the forefront were such issues as overcrowding in hospital emergency wards, inspection visits to social welfare recipients, and the government's policy toward young people. On June 16 emergency legislation ended a strike that had shut down construction sites since the middle of May.

On May 13 the Committee of the whole House examined the \$60 millions in estimates proposed by the Office for the National Assembly's 1986-87 fiscal year.

Steering his estimates through the House for the first time, Speaker **Pierre Lorrain**, invoked two aspects of the rationalization program: the ongoing administrative reorganization, and the budget constraints imposed throughout the governmental administration.

The theme of rationalization set the stage for the cuts in the 1986-87 National Assembly budget, which provides for a decrease of more than \$9 million, or 13.2% less than the 1985-86 budget. Speaker Lorrain reminded members that only 16% of the Assembly's estimates are put to a vote, the remaining 84% being, in reality, fixed estimates. The current method for overseeing the estimates, SYGBEC (a budget and accounting management system used by the Quebec government on a temporary basis limited to 12-month periods), cannot determine a budgetary surplus in a fixed estimate. Perhaps, he said, there should be only one form of estimates for the Assembly. He considered the issue to be an extremely delicate one, since it relates directly to the National Assembly's independence from the government.

Opposition house leader **Guy Chevrette** commented briefly on the Speaker's remarks. In the ensuing exchange, members on both sides of the House asked for details on several points, including the advisory committee on the televising of debates, the televising of the budget speech, the interns of the Fondation Jean-Charles Bonenfant, security in the Assembly, relations with the Treasury Board, members' salaries, and office automation and data processing.

Organization Analysis of the Assembly

As Speaker Lorrain, mentioned at the outset of the examination of his estimates, an organizational analysis of the National Assembly's management and services has been carried out by a firm of management consultants. Its report was made public at the end of May. The first part includes observations and comments on the structure of the organization, the work environment, and the Assembly's managerial tools and practices. A second part contains recommendations in relation to the structures, work environment, and management. All Senior Assembly staff were consulted in the course of this study before the final report was forwarded to the Speaker in May. Implementation of the recommendations should take place over the next three months.

Yvon Thériault



The seventh session of the tenth Legislative Assembly prorogued in June after a busy sitting lasting a total of thirty-three days, one of the longest on record.

The Assembly adjourned in March after approving the government's 1986-87 budget and reconvened June 10 to consider the business remaining. Among the nineteen new and amending bills passed during the June session are: the *Jury Act*, allowing for the selection of jurors who speak an aboriginal language but neither French nor English; the *Official Languages Act*, extending the date for implementation of French as an official language in the Northwest Territories to 1989; the *Public Service Act* which transfers primary responsibility for the public service from the Commissioner of the NWT to the Minister of Personnel. (An

amendment approved during debate on this bill requires the Minister to seek the approval of the Executive Council for public service appointments); the *NWT Energy Corporation Act* establishing an energy corporation and setting out its powers and duties, the composition of its board of directors and its financial structure; and, the *Summary Convictions Procedures Act*, eliminating the offence of failing to appear in court for people accused of contravening a Territorial act or regulation.

A major item for discussion was the government's plan to contract operation of the NWT Energy Corporation to Northland Utilities Limited of Alberta. A motion to obtain an independent professional analysis of the proposed organizational structure of the utility, for review before the plans are implemented, was carried.

Members adopted the recommendations of the Special Committee on Rules, Procedures and Privileges in the Committee's first and second reports. These included discontinuing the Assembly's scheduled spring session and fixing dates for the opening of the two remaining sessions; changing the House's sitting hours; prohibiting smoking, food and beverages in the Chamber at all times; several procedural changes; and amendments to the Orders of the Day.

MLAs also accepted the Report of the Task Force on Aboriginal Languages. The Task Force's report proposes measures to preserve and develop the native languages and culture of the Northwest Territories. Their recommendations include forming a new government department with responsibility for languages and culture, headed by a Minister chosen by aboriginal MLAs from among themselves. The House recommended that the Executive Council prepare a response to the Task Force report with a long-term strategy and plan of action for implementing the recommendations, to be ready for tabling at the Fall 1986 session.

A motion to add a fourth electoral district in Yellowknife, bringing the total number of constituencies in the NWT to twenty-five, was defeated. Motions carried included: a recommendation to the Government of Canada that the petroleum exploration tax credit be increased from 25 to 40 per cent in order to encourage drilling of an additional well in the Amauligak field of the Beaufort Sea; that the Territorial government make a significant financial contribution to the sponsors of the planned conference, "True North Strong and Free: An

Inquiry into Canadian Defence Policy on Nuclear Arms"; support for measures to defend the physical and mental health of people affected by the Chernobyl nuclear disaster; a declaration naming the lands, coastal waters and air space of the Northwest Territories a nuclear weapons-free zone; revised terms of reference for the Standing Committee on Public Accounts and Finance following their reorganization last year; and, support for the House of Commons Standing Committee on Transportation recommendation that "the proposed air cargo tax not be established in the north and remote areas".

Partway through this session the proceedings were adjourned for two days to allow MLAs to travel to Vancouver to participate in the celebration of Northwest Territories Day, June 21, at Expo 86.

Commissioner **John Parker** prorogued the session June 26. The fall session will convene in Yellowknife, on Wednesday October 8.

Ann Taylor



The third session of the twenty-sixth Legislative Assembly was adjourned on May 28, 1986, after forty-one sitting days. A total of twenty government bills were introduced during the spring sitting, eighteen of which were passed and received assent. Almost one half of these bills were budget related with the remainder being of a routine nature. The vast majority of House time was spent in the Committee of the Whole where members scrutinized the supplementary estimates for 1985-86 and the operation and maintenance estimates for 1986-87.

In a previous report details were provided on the number of private members' motions dealt with by the House up to May 7. From May 8 until the adjournment of the spring sitting, notice was provided for fourteen more motions. Six of these were debated, one was amended, and all six were carried when the question was called.

As the sitting neared its close the government informed the House of two new policies. The Minister of

Government Services, **Roger Kimmerly**, tabled a proposed Yukon Business Incentive Policy on May 27. In a ministerial statement, he said: "The intent of this proposed policy is to create more jobs and business opportunities for Yukoners by expanding the existing northern preference guidelines to cover not just the awarding of government construction contracts, but the purchase of all goods and services. The policy tightens up the definition of northern contractor and defines northern supplier, to give legitimate Yukon firms a clear advantage in the awarding of government tenders and contracts. It also provides for a pre-tendering list of northern businesses, designed to pre-qualify these firms for government contracts."

Dan Lang, member of Whitehorse Porter Creek East, while generally complimentary on the initiative taken by the Government, cautioned: "We must be very careful in the area of contracting. The more exceptions we make to the rules, the more subjective the awarding of contracts becomes. Then the Legislature and the government of the day can, at times, be accused of pork-barrel politics."

On the last day of the sitting **Tony Penikett**, Government Leader, announced changes in government policy respecting casual personnel. Mr. Penikett said: "We appreciate the opportunity to resolve the inequities pertaining to benefits for casuals, many of whom are seasonal workers in outlying communities, and today we are acting upon our long-stated desire." Casual jobs were divided into two categories called casual and auxiliary. Employees in both categories will get an increase in vacation pay, will have 75% of their medicare premiums paid and will be able to apply for in-service job competitions. Auxiliary employees will also have full rights to retroactive pay adjustments, access to grievance procedures, a community allowance and pay in lieu of insured benefits.

Willard Phelps, Leader of the Official Opposition, and **Roger Coles**, member for Tatchun, spoke in favour of the policy. Mr. Coles said: "We and our party (Liberal) applaud the direction that this government has taken. We are still not sure if it has gone far enough, but with the addition of benefits that casuals and auxiliaries will now be receiving . . . I am sure that it is going a long way toward helping rectify the problem."

It is expected that the third session will be convened sometime in October or November of this year.

Patrick L. Michael



The last days before the summer adjournment are always a busy time. This year was no exception as the House sat extended hours for the last two weeks. On June 17, nine bills received Royal Assent and another thirteen were signed into law on June 27 after which members gathered in the Speakers office for the traditional reception to mark the start of the recess.

Legislation

The government managed to get almost all its legislation through the House before adjournment. Indian rights, energy, pensions and federal-provincial relations were some of the subjects covered in the legislation passed. One bill gave the Council of the Sechelt Indian Band power to make its own laws in relation to zoning and land use planning, and taxation for local purposes. Another bill provided a settlement of claims with the Grassy Narrow and Islington Indian Bands arising out of mercury pollution into the English and Wabigoon river systems since 1969.

The *Canadian Petroleum Resources Act* and the *Canada-Newfoundland Atlantic Accord Implementation Act* provide for fifty percent Canadian ownership of production licences for frontier lands. The *Energy Administration Act* gave effect to an amendment to the agreement between the government of Alberta and the government of Canada with respect to gas pricing and market development.

Bill C-96 changed the rate by which the federal government transfers money to the provinces for health and education. Although the actual amount will increase over the next five years it will be less in relative terms than under the old system.

The *Pension Benefits Act* provided, among other things, that effective January 1, 1987 credits shall be split equally between spouses in case of marriage break up.

Amendments to the *Supreme Court Act* will allow judgements to be deposited with the Registrar of the Court who will send a notice to each solicitor of record for the case. All applications for leave of appeal will be decided on the basis of written submissions unless the Court orders an oral hearing. The right of appeal under certain acts was limited.

A number of changes were made to the *Young Offenders Act* and related statutes. Among other things they provide that young persons shall be held separate and apart from adults unless no place of detention for young persons is available within a reasonable distance.

Committee Activity

The amount of committee activity increased as members became more familiar with the possibilities open to standing committees under the new rules. The Finance Committee, chaired by **Don Blenkarn**, was particularly busy. Toward the end of the session it launched a study on interest rates charged by the credit card companies. It also produced several reports including one that recommended a simplification of the *Income Tax Act* and income tax forms. It continued hearings on regulation of Canadian financial institutions and made recommendations which expanded on its previous report on this subject in November 1985. Another report looked at the role of the Economic Council of Canada.

On June 5 the Special Committee on Domestic Wheat Pricing, chaired by **Arnold Malone**, presented its report. The Committee wants to increase the domestic price of wheat from seven to ten dollars a bushel. It says the government should also consider a deficiency payment and stabilization payment for wheat farmers and take steps to protect wheat based industries if higher domestic prices makes them less competitive.

The Standing Committee on Labour, Employment and Immigration, chaired by **Jim Hawkes**, looked into the problem of family reunification and called for numerous changes in definitions, processing procedures and sponsorship provisions. It proposes to look into other aspects of the immigration system in future months, including questions pertaining to visitors visas, the point system and exploitation of immigrants by some consultants and lawyers.

Patrick Knowlan, chairman of the Transport Committee, presented a report on policies in northern and isolated areas. The Committee felt very strongly that individual northern communities should not be allowed to opt out of the new regulatory regime for transportation in the North. It also called on the government to make every effort to reduce or eliminate government fees, taxes and charges for northern and remote transportation services in order to lower the cost of transportation in these areas.

The Standing Committee on Justice and Solicitor General, chaired by **Blaine Thacker**, presented its first report on the *Access to Information Act*. The Committee is in the process of a complete review of this act as well as the *Privacy Act*. The first report dealt only with the limited subject of exemptions under the former. The Committee found that the present *Access Act*, particularly section 24, provides too many and unnecessary exemptions. It recommended the section be repealed and replaced by new mandatory exemptions which are drafted so as to incorporate explicitly the interests reflected in three particular acts, the *Income Tax Act*, the *Statistics Act*, and the *Corporations and Labour Unions Act*.

The Committee also recommended that any legislation which seeks to provide a confidentiality clause not subject to the *Access Act* should commence as follows: "Notwithstanding the *Access to Information Act*, . . .".

The Standing Committee on Science and Technology, chaired by **William Tupper**, heard evidence about the concerns of private industry over the process Revenue Canada is proposing to define scientific "research and development" for tax purposes. It recommended that Revenue Canada release the draft Guidelines for Scientific Research and Experimental Development to allow a 60 day period for the industry to comment before the guidelines are finally determined.

A related subject was addressed in an earlier report by the Public Accounts Committee chaired by **Aideen Nicholson**. It criticized the Department of Finance for its management of the scientific research tax credit program which contained loopholes that cost the government millions of dollars in lost revenue without any benefits in terms of scientific research and development.

The Special Joint Committee on Canada's International Relations, chaired by **Thomas Hockin** and Senator **Jean Simard**, concluded its year long study with a two hundred page report covering many aspects of Canadian foreign policy. The conclusion entitled "The Case for Constructive Internationalism," calls for a shift away from the obsessive concern to make foreign policy an extension of domestic policy which characterized the 1970s. The report covered questions of peace and security, expanding international trade, development assistance, northern sovereignty, Canadian-American relations and human rights. Among other things it called for full

economic sanctions against South Africa.

An interesting report on Alcohol Additives: A New Opportunity in Transportation Fuels" was presented by the Standing Committee on Energy, Mines and Resources chaired by **Barbara Sparrow**. The subject is complex but essentially the committee recommended the use of methanol and ethanol as blending agents in Canadian gasoline. It called upon the federal government to support research and development required to introduce alcohol-gasoline blends on a broad basis.

Gary Levy



The fifth session of the twentieth legislature which commenced on March 17, 1986 with the Speech from the Throne, continued with the presentation of the Budget Address on March 26, 1986, and adjourned on July 3, 1986, resulting in the longest continuous legislative session in Saskatchewan since the second World War.

During the spring session seventy public and three private bills were introduced. All three private bills were given Royal Assent while thirteen public bills remain on the Order Paper in various stages of completion along with eighteen motions, adjourned debates on eight resolutions and three second readings of NDP Bills. Over five hundred Motions for Returns most of which arise from questions of the government by the Western Canada Concept Party pertaining to the placement of government advertisements in the province's periodicals and newspapers also remain on the Order Paper.

Legislative committees were particularly active during the spring session. The Standing Committee on Communication chaired by the Speaker

reviewed the Retention and Disposal Schedules approved by the Public Documents Committee as well as the Annual Report of the Legislative Library and broadcasting policy, generally. It tabled its eighth report on May 7, 1986.

The Standing Committee on Crown Corporations chaired by **Michael Hopfner** analysed annual reports and financial statements of various Crown corporations and related agencies and presented its Sixth Report on May 28, 1986, and Seventh Report on June 24, 1986.

The Standing Committee on Estimates met on June 18, 1986, to review the Estimates of the Legislative Assembly. The same day the Committee presented its Sixth Report to the Assembly.

The Standing Committee on Non-Controversial Bills chaired by **E.B. Shillington**, met on three occasions this Spring. Thirteen bills were reported as being non-controversial by the Committee which means that second reading and committee of the whole is waived – a housekeeping mechanism that frees up precious House time.

The Standing Committee on Private Members' Bills chaired by **Jo-Ann Zazelenchuk** met four times since March of this year to scrutinize three bills and their accompanying petitions. Four Committee reports to the Legislature ensued.

The Standing Committee on Public Accounts chaired by **Ed Tchorzewski** was the most turbulent of all committees meeting this Spring. The Pioneer Trust collapse in Saskatchewan during 1985 and the Provincial Auditor's comments in his latest annual report to the Legislature respecting the provincial government's financial assistance to depositors gave rise to certain questions unable to be put to the witnesses – officials of the Department of Finance – by the Opposition. The result was the resignation of Mr. Shillington (Regina Centre) who was also president of the Canadian Council of Public Accounts Committees. After lengthy discussions among the political parties, Mr. Tchorzewski accepted the position of chairman.

The Special Committee on Regulations chaired by **Murray Koskie** reviewed adoption of the bylaws of professional associations and amendments thereto and provincial government regulations brought to the Committee's attention by its legal counsel. It presented its Fifth Report to the Assembly on April 25, 1986.

An issue which forestalled an earlier adjournment of the Assembly for the

usual summer recess was the introduction of Bill No. 56: *An Act respecting the sale of assets of Prince Albert Pulp Company Ltd. and Saskatchewan Forest Products Corporation and the Establishment of a Paper Mill in Saskatchewan*. Essentially, the Bill provides for Weyerhaeuser Corporation, a multinational forest products corporation to purchase the total assets of Prince Albert Pulp Company and Saskatchewan Forest Products Corporation with public money that may or may not be repaid to the government depending upon financial losses incurred by Weyerhaeuser, in return for the building of a paper mill alongside the facility.

The government maintains that the financial deal is a good one and in the best interests of Saskatchewan given the daily loss to the province of \$91,000 on the part of the present facility. The Official Opposition argued that the sale is a give-away of a valuable Saskatchewan-owned asset and that Weyerhaeuser's loan repayment schedule to the province is full of loopholes that, in effect, allow Weyerhaeuser ownership of Papco and Saskatchewan Forest Products without ever repaying a single penny to the province. To date, negotiations respecting the actual financial arrangements between the government and Weyerhaeuser on the transfer of Papco and Saskatchewan Forest Products have not been completed.

On June 12, 1986, **Joan Duncan**, Minister of Consumer and Commercial Affairs tabled a long-awaited three-volume study: *Report of the Saskatchewan Commercial Bingo Inquiry*. All facets of Bingo in Saskatchewan were examined and recommendations were made to the Government.

On April 16, 1986, Premier **Grant Devine**, tabled a White Paper on a Proposed Code of Ethical Conduct for Saskatchewan Public Office Holders. The White Paper provoked intense concern on the part of **A.E. Blakeney**, Leader of the Official Opposition to the effect that it did not address appropriate changes to existing legislation to enhance and reinforce conflict of interest guidelines.

Amusement ride inspections became the obligation of the Department of Labour as a result of Bill No. 24: *An Act respecting the Licensing and Inspection of Amusement Rides*, introduced in the House on April 18, 1986. Soon after the bill's introduction the roller-coaster disaster in the West Edmonton Mall occurred precipitating increase attention to the safety of amusement rides in Saskatchewan.

Craig James



The fourth session of the fiftieth legislature prorogued on June 19, 1986, a date which coincided with the 25th anniversary of the official entry of Premier **Richard Hatfield** into the political life of his province.

The session's 40-sitting day duration was the shortest in the last ten years. The opening day of the session saw the election of **Charles G. Gallagher**, former Minister of Health in the Hatfield cabinet, being elected as Speaker to replace former Speaker **James Tucker** who was named to the cabinet by Premier Hatfield.

On April 22, Finance Minister **John Baxter** introduced his \$3.12 billion budget – the first to top the \$3-billion mark. Tax breaks, record capital spending and help for a variety of social groups were the principal focus of the budget. The budget had something for just about everybody, fueling speculation that an election could come this year. The budget removed hospital user fees, introduced no major tax increases, planned to virtually eliminate the ordinary account deficit, increased job funding by \$3 million and promised a \$305-million capital budget to construct schools and continue hospital expansion. In the area of social programs, Mr. Baxter outlined a range of measures, including tax breaks for low income homeowners, truckers, gasoline retailers, and the disabled. The only thing resembling a tax increase was a \$100-a-year licensing fee on amusement devices like video and pinball games.

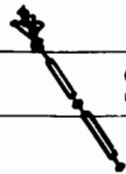
Alan Maher, Liberal Finance Critic claimed the budget had one aim and one aim only: "To buy four more years of power."

During the session, 106 pieces of legislation were considered with 101 Bills being passed: Of note was the passage of right-to-farm legislation designed to protect farmers from nuisance suits filed by neighbours bothered by dust, noise and odors created by their farming operations. *The Agricultural Operation Practices Act* will protect farmers providing they comply with existing health, environmental and zoning regulations.

The current session also saw the adoption of new Standing Rules of procedure as the permanent rules of the Legislative Assembly replacing the 1963 Standing Rules. Under the new rules, two hours are allotted on each Tuesday and Thursday for Private Members' Motions and other matters of interest to Opposition members.

Although a general election is not due until September, 1987, speculation is growing that Premier Hatfield might call a fall election. Standings in the Assembly are currently: PC – 37, Lib. – 20 and NDP – 1.

Loredana Catalli Sonier



Senate

Senate Committees were quite active during the period under review. On May 14, the Senate agreed to divide the Standing Committee on Agriculture, Fisheries and Forestry Committee into two separate standing committees: one dealing with Agriculture and Forestry and the other dealing with Fisheries. Senators felt that the subject-matter was too varied to be dealt with effectively by only one committee.

Controversy continued over the Social Affairs, Science and Technology Committee's April 15 Report on the Billy Bishop Film "The Kid Who Couldn't Miss". On May 28, the Senate agreed, on division, to **Hartland de Molson's** motion that the report be referred back to the Committee with instructions to consider recommendations that a stronger disclaimer be added to the effect that the film does not pretend to be an even-handed or chronological biography of Billy Bishop and that the NFB eliminate from the film the unproven allegations against the integrity of Bishop. On June 3 the Committee agreed to refer the matter back to its Sub-Committee on Veterans Affairs, headed by **Jack Marshall**. The Sub-Committee has yet to resume its hearings.

On June 3, a new special committee on Terrorism and Public Safety was established to provide a forum to evaluate information relating to terrorism as a real or potential threat to Canada and to Canadians and to make recommendations on the role of the

media in reporting terrorist threats and incidents. The Committee is to report no later than December 19, 1986 and will be chaired by **William Kelly**.

On June 25, the Energy and Natural Resources Committee, headed by **Earl Hastings**, tabled its final report on oil marketing. The Committee recommended that financial assistance, limited in amount and duration, be extended to producers of conventional and nonconventional oil. It felt that the federal government should monitor Canadian prices to identify any significant deviations from Chicago postings. If Canadian producers consistently receive lower values for their oil, the government should consider instituting an administered price. Finally, the Committee recommended that a monitoring group be charged with scrutinizing petroleum product prices in the interest of maximizing competition and minimizing costs to the consumers.

Legislative Activities

On June 19, **Derek Lewis** presented the report of the Legal and Constitutional Affairs Committee on Bill C-62 respecting employment equity. The Committee did not make amendments to the Bill but instead reported a formal observation that the legislation did not achieve its declared purpose, that it could not be properly enforced and it was not an employment equity bill. The Committee called on the government to bring in amendments to the legislation in September 1986 to provide proper coverage of workers in the federal domain. Utilizing a rarely-used procedure, the Senate voted to send a Message to the House of Commons informing it of the Committee's recommendations regarding Bill C-62.

Also on June 27, normally the last sitting day before the summer adjournment, the House of Commons sent up two controversial bills for adoption: Bill C-67 and Bill C-68, dealing with amendments to the *Parole Act* and *Penitentiary Act*. The subject-matter of these Bills had been under intense scrutiny by the Legal and Constitutional Affairs Committee since December 1985 and had been strongly opposed by Liberal Senator **Earl Hastings**. On May 14, the Committee issued an interim report on Bill C-67, expressing four areas of concern about the legislation: a) judicial determination of detention; b) entrenching guidelines with respect to detention orders in the legislation; c) limiting 'one-shot' mandatory supervision, i.e., the denial of the right to earn further remission to certain inmates whose mandatory supervision has been revoked and

d) review and termination of the legislation. The Committee recommended that the legislation should reflect the principle approved by the Senate when it adopted Bill S-32 in 1983, that the courts, rather than the National Parole Board, should make decisions respecting the continued incarceration of inmates who would otherwise be eligible for release on mandatory supervision. The Committee felt that such decisions, since they affect the liberty of individuals, are more properly addressed in a judicial forum, where affected inmates would have recourse to all the procedural rights and protections available in the criminal courts.

On June 27, Senator Hastings refused to grant leave to proceed with the bills that day, so the Senate returned on July 2. On July 2, the Solicitor General, **James Kelleher** was invited to appear in a Committee of the Whole and urged quick passage of the bills saying "there have been too many victims of dangerous criminals for us to delay passage of these bills." After a long debate, Senator Hastings proposed an amendment to Bill C-67 specifying that an inmate who is in custody may appeal his detention order to a superior court of criminal jurisdiction on any ground of law or fact or of mixed law and fact. The amendment carried by a vote of 22 to 18. Bill C-67 was then returned to the Commons with an amendment.

On July 24, both Houses were recalled from their summer adjournment to deal with Bill C-67. After a long debate the Commons refused to accept the Senate's amendment saying "the National Parole Board is better structured and experienced to deal with all matters of fact relating to the prediction of violent behaviour and that public safety is properly preserved through decision-making being kept with the Board". Upon receiving the Commons' Message, Deputy Government Leader **William Doody** moved that the Senate does not insist upon its amendment. The motion carried, but not without a lively exchange. Conservative **Nathan Nurgitz** pointed out that the *Federal Court Act* already allows appeals of decisions of the Parole Board and noted that during the debate on Bill C-67 all parties approved the principle of the bill, that is, some method must be made available to protect the public by having some persons remain in custody until the expiry of their warrant. Opposition Leader **Allan MacEachen** felt the debate on Bill C-67 showed that the House of Commons

was prepared to consider an amendment from the Senate and that the merits of the amendment were discussed with few explosive blows being issued at the Senate. He was encouraged to believe "that in the future, the Senate can take on a responsible legislative function, and that it will not be deterred by the rejection of the amendment, because the exercise has been wholly beneficial to the Senate, to democracy in Canada and to this particular issue." Both Bill C-67 and C-68 received Royal Assent on July 24.

Gary O'Brien



The second budget of the Ontario Liberal Government was presented to the House on May 13, 1986. Treasurer **Robert F. Nixon** described his budget as one that "combines social concerns with common sense." He announced investments in technology, education, northern development, agriculture, health and other social services. Except for a small increase in the tobacco tax, no general tax increases were announced.

The budget predicted 4.2% growth in the Ontario economy. Inflation was expected to fall to 3.8% and the unemployment rate was to fall to an average 6.9% through 1986. An expected 175,000 new jobs were to be created.

These figures were predicated on oil prices remaining at \$16 (U.S.) a barrel; the Canadian dollar trading between 71 cents and 73 cents (U.S.); and interest rates declining below 10% by the end of 1986.

Consequently, Mr. Nixon's \$31.5 billion budget was to reduce the deficit's growth by \$85 million to \$1.54 billion in 1986, increasing Ontario's total public debt to \$22.8 billion.

Some of the spending programs announced were:

- 1) a \$100 million contribution to a \$1 billion technology fund for the rest of the decade, directed by a council chaired by the Premier.
- 2) a revitalization and expansion of the Ontario Development Corporation (ODC) to aid small

businesses and entrepreneurs in Ontario's high technology economy.

- 3) an employee share ownership plan that would encourage employee participation in business.
- 4) a \$15 million increase for health care, transportation initiatives and education programs in the north.
- 5) an extension of the Ontario Farm Interest Rate Reduction Program and an added \$457 million for the Ministry of Agriculture and Food.
- 6) a \$25 million increase in shelter subsidies for social assistance recipients.
- 7) an \$850 million multi-year hospital capital expansion program.
- 8) increased funding for the Security Fund for waste clean-up.
- 9) a \$60 million commitment to help build 16,700 affordable apartment units in Ontario.

The budget also included an indefinite extension of the 3% surtax on individuals with an income of \$50,000 or higher. For low-income Ontarians, the Treasurer provided specific tax relief. Taxpayers with a taxable income of \$2,075 or less pay no Ontario personal tax. Individuals earning no more than \$10,000 a year and families bringing in no more than \$12,000 a year also qualify for tax relief. Ontario Health Insurance premiums for individuals earning less than \$8,500 and families earning \$13,500 or less were eliminated.

Mr. Nixon also introduced new accounting procedures that reflected a "pay-as-you-go" fiscal policy. He stated "[a]n important aspect of fiscal responsibility is to pay today for things consumed today and to borrow only for projects of enduring benefit and when economic stimulus is required."

Leader of the Opposition, **Larry Grossman**, criticized the budget for the figures used by Mr. Nixon in predicting economic growth in Ontario. The Progressive Conservative Party leader claimed that, due to the cautious growth estimated used, the government would collect an extra \$1 billion in revenue that could be spent "at a later date." Both Mr. Grossman and finance critic **Bette Stephenson** accused the Treasurer of producing an old Progressive Conservative budget that had ideas in it dating back fifteen years. Miss Stephenson, during debate on the budget, said "They [the Liberal Government] are skulking in the cemetery of old Progressive Conservative programs, old ideas, well-worn theories. The Treasurer has dragged them all up and used them . . . He appears to believe he can

manage this province with concepts discussed . . . fifteen years ago."

Criticism of the budget focussed mainly on what it did not do. **Bob Rae**, leader of the Ontario New Democratic Party, stated that the Treasurer gave the working poor "cheap treatment" in the budget. He noted that the increased income level for the Ontario income tax exemption (\$2075) is only \$49 higher than it was in 1984. Mr. Rae also remarked that this level was too low to cover people earning the minimum wage and that raising the income level to accommodate those earning the minimum wage would only cost \$35 million. Mr. Rae asked the Treasurer how he felt when comparing this \$35 million cost to the \$65 million cost which gave the doctors in Ontario a wage increase in 1986. The NDP leader also criticized the budget for insufficient spending on the north or on social programs, such as daycare.

Legislation

Legislation to ban extra-billing by doctors, known as the *Health Care Accessibility Act*, was passed shortly after 1:00 p.m. on June 20 and received immediate Royal Assent by Lieutenant Governor **Lincoln Alexander**. The Bill was supported by both the Liberals and the NDP, with the Progressive Conservatives opposed.

It took a motion for time allocation by Mr. Nixon and a 24-hour marathon session of the Legislature before the bill finally became law. A highlight of the all-night sitting was **Richard Treleaven's** five and one half hour speech in opposition to the bill. The bill's passage came six months after Health Minister **Murray Elston** first introduced in on December 19, 1985.

Under the new law, doctors, dentists and optometrists cannot charge more than Ontario Health Insurance Plan rates, nor can they demand immediate payment from patients. They can, however, opt out of OHIP so long as they do not extra-bill. Extra-billed patients will be reimbursed, with the amount of the extra-bill being deducted from payments owed to the doctor by OHIP. The fine for a first offense is \$250, and increases to \$1000 for subsequent violations. In addition, a doctor may be asked to pay administrative costs of investigating a patient's complaint.

On June 23 Bill 30, *An Act to Amend the Education Act*, which extends public funding to Roman Catholic secondary school programs beyond grade ten was passed without the protracted debate and procedural manoeuvring that had

attended the health legislation only days before. The bill's quiet passage came after more than two years of public controversy and opposition since the intention to extend funding was announced by former Premier **William Davis** on June 12, 1984.

Bill 30 was first introduced in the House on July 4, 1985 by Liberal Education Minister **Sean Conway**. There followed eleven months in the Standing Committee on Social Development with public hearings held throughout the province. The legislation was also referred to the Ontario Court of Appeal to determine whether it violated the Constitution. A three to two ruling determined that it did not.

Major issues in the final stages of committee debate concerned religious education for non-Catholic students, preferential hiring treatment given to Roman Catholics, and the security of public school teachers displaced when students transfer to separate schools. A provision of the bill allows the separate school board to give preference to Roman Catholics when hiring new teachers during the first ten years of the legislation, but public school teachers who lose their jobs because of students shifting to the separate schools are to be moved to Catholic high schools. Also, the committee amended the bill to exempt non-Catholic students from religion classes at their parent's request.

The legislature rose for the summer on Thursday July 10 after a final flurry of activity during which ten bills were passed and five introduced. To date, the second session has seen the introduction of seventy-one government bills, of which twenty-eight were carried over from the first session. Twenty government bills have been passed and two withdrawn.

Among the bills passed on the last day were Bill 77, *An Act to revise the Representation Act* (redistribution), and Bill 103, *the Election Finances Act*. The latter represents the first major revision of the *Election Finances Reform Act* since its enactment in 1975 (coincidentally, also the first year of a period of minority government in Ontario). Bill 103 increases from \$2,000 to \$4,000 the maximum contribution by any person, corporation or trade union to a political party in any year or campaign period. Election spending by political parties is to be limited to a maximum forty cents per voter in each riding. Differing limitations will apply to spending by the individual candidate or constituency association, according to whether they are in Southern or Northern Ontario. For the first time, political party leadership contests will

be governed by the Act. While no limits are placed on either contributions or expenditures, all leadership contestants will have to disclose same after registering with the Commission on Election Finances (formerly named Commission on Election Contributions and Expenses).

Bill 77, the *Representation Act*, alters the boundaries of many electoral districts and increases from 125 to 130 the total number of single-member constituencies in Ontario.

Far more contentious were the *Ontario Drug Benefit Act* and the *Prescription Drug Cost Regulation Act*, which regulate the amounts that may be charged for prescription drugs. Both received third reading and Royal Assent on July 10 after report out of Committee of the Whole House.

Also given third reading and Royal Assent on the final sitting day was Bill 11, *An Act respecting the Protection of Rental Housing*. This bill, introduced by Housing Minister **Alvin Curling**, was intended to safeguard the limited affordable rental housing stock in municipalities (such as Toronto) where vacancy rates are extremely low. It specifically prohibits rental residential property from being demolished, converted to a condominium or a co-operative, or renovated or repaired if vacant possession would be required, unless the local municipality gives its approval. The legislation includes a sunset clause of May 15, 1988.

One June 11 Attorney General **Ian Scott** introduced Bill 76, *An Act to implement the terms of a settlement of all claims arising out of the contamination by mercury and other pollutants of the English and Wabnigoon and related water systems*. The bill was given expeditious passage and Royal Assent on July 7. Thus ended a long and painful process that began in 1969 with identification of mercury in the rivers used by the Islington and Grassy Indian Bands for their livelihood. The settlement reached provides for payments to each Band and benefits to Band members. The legislation also establishes a Grassy Narrows and Islington Bands Mercury Disability Board and a Disability Fund.

On May 1st **Bernard Grandmaitre** Minister responsible for Francophone Affairs introduce Bill 8, an Act to provide for French Language Services in the Government of Ontario. The proposed law guarantees the right of the public to communicate in French with the central office and designated local offices of government agencies or institutions of the Legislature. It does not apply, however, to municipalities or local boards. A three-year phase-in period will be overseen by the

Ontario French Language Services Commission, which will recommend improvements in delivery of French language services. (After three years, the Commission will be dissolved and its functions assumed by the Office of Francophone Affairs.)

Under Bill 8, current public general statutes of Ontario are to be translated into French by the end of 1991. After that date, all public bills are to be introduced and enacted in both English and French. The Bill also guarantees everyone the right to use either French or English in the debates and other proceedings of the Legislative Assembly. Bill 8 received second reading on July 9 and was ordered to be considered by Committee of the Whole when the Legislature resumes in the autumn.

Committees

In the period May through July standing and select committees continued to work at the busy pace that seems characteristic of minority parliaments.

Prior to the summer adjournment two of the policy field committees, Resources Development and Social Development, considered the estimates of the Ministries of the Environment and Community and Social Services respectively.

On June 12 the Chairman of the recently-created Standing Committee on the Legislative Assembly, **Michael Breugh**, presented the Committee's Report on simultaneous interpretation. The report noted that, "more than in any previous parliament, members are using French in the proceedings of the House, whether it be in asking or in responding to questions, in debate or in introducing bills." Accordingly, the Committee recommended that simultaneous interpretation be provided of all proceedings in the Legislative Chamber and in one Committee room. After reviewing the operation during the first year, the Committee will consider the advisability of extending the service to other legislative committee rooms. The Report was debated in the House and its recommendations adopted on July 10. Extensive construction work began forthwith in the Legislative Chamber and the Amethyst Room to install the permanent facilities for simultaneous interpretation and television coverage of the proceedings.

The Standing Committee on the Legislative Assembly, was also occupied with other matters including rules and procedures of the House

including Bill 34 *An Act to provide for Freedom of Information and Protection of Privacy*; and the recommendation of a candidate to be the new Clerk of the House. The latter role arises directly out of its June 12 Report on Appointments in the Public Sector.

Eight standing and two select committees were authorized by the House to meet during the summer adjournment. The Select Committee on Economic Affairs, under the Chairmanship of **David Cooke** (Kitchener), continued to hear testimony on the implications to Ontario of bilateral trade. Its work, including a second round of meetings in Ottawa and Washington, is to cumulate in the issuance of a Final Report by the end of the summer.

The Select Committee on Health, chaired by **Robert Callahan**, was given extensive terms of reference more than a year after its creation. The Committee is to report on: the role of the commercial, for-profit sector in the provision of health and social services; appropriate models for provision of specific human services; and mechanisms for public accountability.

The Public Accounts Committee undertook intensive investigations into allegation of conflict of interest against **Elinor Caplan**, one of the senior ministers who resigned as Chairman of Management Board, Chairman of the Cabinet and Minister of Government Services.

During Question Period on June 10, Progressive Conservative M.P.P. **Phil Gillies**, revealed that IDEA Corporation, an arm's length government agency that invests capital in small business, had invested \$3 million in Wyda Systems (Canada) Inc. Mrs. Caplan's husband was retained by Wyda as a consultant. The following day, Premier Peterson said in a statement to the House that conflict of interest guidelines had been complied with and that no member of the government had anything to do with the decision to invest in Wyda. On June 12, Mrs. Caplan defended the actions of her husband. The following day, it was revealed that Mr. Caplan's retainer fee had apparently quadrupled shortly after IDEA's decision to invest in Wyda.

On June 16, Mr. Caplan made a final attempt to set the record straight but her explanation did not satisfy Conservative and NDP Members who called for her resignation. Saying that she felt he had lost the confidence of the House, Mrs. Caplan resigned from the Cabinet.

One week later another conflict of interest question arose when

Conservative MPP **Andy Brandt** revealed in the Legislature that **René Fontaine**, Minister of Mines and Northern Development, had failed to disclose ownership of 17,000 shares in Golden Tiger, a mining company operating in Quebec and Ontario. The Premier defended his Minister in a statement to the House on June 25. The following day Mr. Fontaine confirmed that he had in fact failed to disclose the shares as required by the Premier's conflict of interest guidelines. He also revealed that he had forgotten to disclose holdings in other companies and that shares owned by his adult children were registered in his wife's name by mistake. Mr. Fontaine promptly resigned not only his cabinet post, but his seat in the Assembly as well saying that he wished to be judged and exonerated by his electors. (For results of by-election see People section in this issue).

Despite his resignation the case of Mr. Fontaine was considered by the Standing Committee on the Legislative Assembly. In addition Premier Peterson asked former Lieutenant Governor **John Black Aird** to act as a one-man task force to look into the issue of conflict of interest guidelines or legislation for MPPs

Doug Arnott



The first session of the twenty first legislature opened June 12, 1986 amidst great public interest regarding the many new faces in the legislature. The election of May 8 had resulted in a substantially larger opposition than has been traditional in Alberta, and though the governing Conservative party of Premier **Donald Getty** succeeded in maintaining power, their numbers have been somewhat reduced. In the new eighty-three member house, sixty-one Conservative MLAs are faced with sixteen New Democrats, four Liberals and two members of the fledgling Representative party. Dr. **David Carter**, MLA for Calgary Egmont, was elected the new Speaker of the House, while the MLA for Lethbridge West, **John Gogo**, is the Deputy Speaker.

The opening marked the first full

sitting of the House in over a year. The House had been called into session on April 3, but was dissolved just seven days later when the writ of election was issued. The new session opened with a condensed version of the April 3 Speech from the Throne read by Lieutenant Governor **Helen Hunley**. Priorities listed in the Throne Speech included agriculture, jobs and senior citizens, as well as a commitment to review Alberta's labour laws in light of ongoing strife at the Gainers meat-packing plant in Edmonton.

The new government has been faced with an unusually large number of serious problems largely because of the plummeting price of oil and the difficulties faced by the agricultural sector. After years of enjoying surplus revenues, new Treasurer **Dick Johnston** introduced a budget with a projected deficit of some \$2.3 billion, the largest in the province's history. However, the government believes that this deficit can be recovered within five years assuming that energy prices rise to their previous levels.

The government has been quite active in attempting to take legislative action to deal with the economic problems facing Alberta. *The Farm Credit Stabilization Program* and the *Small Business Term Assistance Program Acts* merely await Royal Assent and both are expected to be fully operational by the end of August. These programs provide long term, low interest financing, at nine percent over a maximum period of twenty years, in order to aid farmers and small businessmen in dealing with their burgeoning debt loads. The Farm Credit program provides \$2 billion in loan assistance while the Small Business Program provides \$750 million. Both programs allow either new loans or refinancing of existing debt.

The government has also announced an added \$500 million in aid to the oil industry, in the form of drilling and exploration incentives as well as royalty credits. At the same time, Energy Minister **Neil Webber** has continued his lobbying for the removal of the

Petroleum Gas Revenue Tax by the federal government.

On July 31, Hospitals Minister **Marvin Moore** announced that he and the Alberta Medical Association had negotiated an agreement to end extra billing in the province, thus avoiding the type of damaging confrontation previously seen in Ontario. In return for giving up the practice of extra billing, Alberta doctors were granted an increase in the fee schedule, as well as the right to opt out of the Medicare system, in which event their patients would not be covered by Medicare. Also, the schedule of services covered by the medical insurance program will be pared down to exclude some types of surgery performed merely for cosmetic reasons.

Other significant government initiatives include the creation of a committee to review Alberta's labour legislation, as well as the introduction of an act to create the Alberta Advisory Council on Women's Issues.

Gary Sandberg

Contributors

Doug Arnott is Assistant Clerk of the Legislative Assembly of Ontario.

Loredana Catalli-Sonier is Clerk Assistant (Procedural) of the New Brunswick Legislative Assembly.

Craig James is Clerk Assistant of the Saskatchewan Legislative Assembly.

Patrick L. Michael is Clerk of the Yukon Legislative Assembly.

Gary O'Brien is Director of Committee's Branch of the Senate.

Gary Sandberg is a Legislative Intern with the Alberta Legislative Assembly.

Ann Taylor is Public Affairs Officer with the Northwest Territories Legislative Assembly.

Yvon Thériault is a member of the Indexing and Bibliographic Service of the Legislative Library, Quebec National Assembly.