



Reports on Legislative Activities



Quebec

The first order of business after the Easter holidays was a welcome for French Prime Minister **Pierre Mauroy** who was invited to address the National Assembly. He spoke with great eloquence to the parliamentarians to whom he gave a message of friendship and brotherhood, on behalf of the French people.

Mr. Mauroy noted that Quebec was the second largest French speaking community in the world and due to the vitality of its culture it had an increasingly greater role to play in promoting and defending the use of French. He added, "as a true leader in the Francophone community of the world, Quebec must be present at all international forums dedicated to the French language where that 'dialogue of cultures', as Presi-

dent Senghor has so magnificently called it, is engaged." This privileged position also implies obligations for both countries, namely that of redistributing opportunities for less fortunate francophone communities of Africa, the Orient, the Indian Ocean or the Carribean, and even of other provinces in Canada. He said he was most happy to learn of joint projects, to the extent that they promote an expansion of the French culture which has always sought universality.

The French Prime Minister stated that relations between his country and Quebec would be better than in the past due to a common perception of the economy and of society which brings them closer together. "France shall not abandon you again", he said. "The infinite solitude that you have suffered is a thing of the past. I say this forcefully: the people of France will stand by you and Quebec is not and never again will be alone in the world".

Premier **René Levesque** emphasized that despite divergent views expressed in the National Assembly, there was a firm consensus on certain fundamental needs of Quebec society, among them the deep friendship and extensive cooperation between Quebec and France. He added that relations between the two countries were on the upswing, with twenty years of development behind them and new challenges ahead which the two countries should try to face together.

The Leader of the Opposition, **Claude Ryan** noted that the statements made by Mr. Mauroy during his visit put in proper perspective the relations between his country and the people of Quebec and Canada as a whole. He also expressed hope that our relationship flourish.

The third session of the present legislature resumed on February 23 under a new Government House Leader, **Jean-François Bertrand**, Minister of Communications and former deputy leader, who

replaced **Claude Charron**. Minister of Revenue **Raynald Fréchette** and **Jacques Brassard**, MLA for Lac-Saint-Jean, were appointed deputy leaders. On the Opposition side, **Fernand Lalonde** will become deputy leader to **Gérard D. Levesque**.

Before Easter, the Assembly had sat twenty-one times. Motions from government and opposition gave members an opportunity to voice their views on current issues such as federal-provincial relations, the economic situation, unemployment, etc. Some fifteen bills also passed various stages in the Assembly and in committee prior to royal assent.

Abolition of Compulsory Retirement

One of the main bills dealt with the abolition of compulsory retirement. Under the new legislation which received royal assent on April 1, 1982, wage-earners can voluntarily retire when they reach usual retirement age, but they can also choose to continue working. In this latter case, payment of pension is postponed and adjusted when retirement does occur. When a worker chooses to remain in the work force after normal retirement age and takes a drop in salary, he may receive all or part of his pension to compensate for such a decrease.

As sponsor of the bill, Social Development Minister **Denis Lazure** explained that fire-fighters and members of the QPP will, on their own request, be exempted from the application of the bill. Judges will also be exempted.

The legislation went into force after its assent and applies to all workers who do not have a private pension plan, that is approximately 60 per cent of all Quebec workers. It will apply to those who do have supplementary coverage when their collective agreements expire.

Despite agreement in principle with this measure, opposition spokesman **Clifford Lincoln** suggested that it would have

been better to postpone implementation and consider in greater detail the possible actuarial effects of this measure on public and private pension plans.

Public Farm Lands

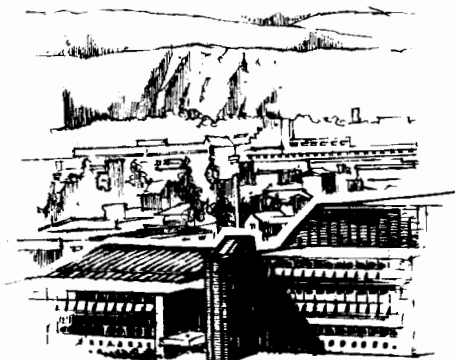
The Assembly also passed Bill 49 to update and streamline the management of public lands placed under the authority of the Minister of Agriculture, Fisheries and Food. Lands granted between 1820 and 1830 in the Baie des Chaleurs region by one James Crawford, who claimed to be an authorized officer of the Commissioner of Crown Lands, although he was not, will therefore be the subject of letters patent. The same will apply to lands granted by the federal government, under lease or letters patent, on old Indian reserves between 1900 and 1920, even though the Constitution attributed this land to Quebec.

The legislation also validates all letters patent issued to ensure security of land titles granted by the Crown. It authorizes the minister, in spite of such validation, to correct letters patent where mistakes have been made in transcribing with respect to areas or names. To streamline management of public farm lands, a new system has been established for the sale or lease of lands for purposes of farming, fishing or food production. The bill will finally enable the minister to regularize the situation of "squatters" who are occupying public farm lands when the bill goes into force.

Ombudsman Yves Labonté

On April 8, the ninety-one members present in the Assembly approved a motion from the Premier to appoint **Yves Labonté** as Ombudsman, replacing **Luce Patenaude**. Mr. Labonté has had a long teaching career. He joined the public service in 1969 when he became president of Radio-Québec. He was afterwards appointed Quebec's delegate in Los Angeles. The Premier and the Leader of the Opposition took this opportunity to express their gratitude towards Mme. Patenaude for the dedication with which she accomplished her duties as Ombudsman.

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Quebec



Yukon

The fifth session of the twenty-fourth Legislature opened March 24 when Commissioner **Doug Bell** delivered the speech from the throne. In it, the government stated its intention to continue to introduce measures to minimize adverse effects of the general economic malaise on Yukon's economy. One sentence in the speech caught everyone by surprise — it stated that an amendment to the *Liquor Ordinance* would require jail terms for all those convicted of driving with a blood count over the allowable limit. As it turned out, modern technology had thrown a curve by deleting a complete line and in fact it would be second offenders who would be facing jail terms. There was a collective sigh of relief.

On March 25, **Chris Pearson**, Government Leader and Minister of Finance, delivered the budget speech. The operation and maintenance budget called for expenditures of \$120,594,000 during the 1982-83 fiscal year, an increase of \$14,491,000 over forecast expenditures in 1981-82. As there were to be no increases in personal income taxes, fuel taxes, excise taxes or land taxes, the Opposition immediately branded it as an election budget.

The government stressed that the budget was providing for improved protection of those least able to adapt to changing economic circumstances. Senior citizens were to be provided for through an Income Supplement up to \$100 per month, extended health care benefits, and an increased "Pioneer Utility" grant.

Only ten bills were passed during the spring sitting while a further twenty bills died on the Order Paper, including the 1982-83 Appropriation Bill. The Administrator, acting on instruction from the Minister of Indian Affairs and Northern Development, reserved assent on the *Executive Council*

Act saying that there was doubt as to the authority of the legislature to enact legislation modifying the powers and office of the Commissioner as constituted in the *Yukon Act (Canada)*. All members as well as observers in the Gallery looked shocked as the Administrator delivered his pronouncement. The Government Leader vented his fury moments later.

Committee Activities

The Public Accounts Committee concentrated on the Department of Consumer and Corporate Affairs and the Department of Health and Human Resources. During deliberations, **Kenneth Dye**, Auditor General of Canada, attended at the table. Committee members enjoyed the breath of undisguised enthusiasm that he brought to the frosty north. The Report of the Committee was debated and concurred in on April 7, 1982.

The Statutory Instruments Committee presented three reports, two of which were debated and concurred in. The third report was not debated.

The newly-formed Select Committee on Labour Standards held public hearings on the Green Paper on Employment Standards and on Occupational Health and Safety. There was considerable interest shown in the former but little in the latter. The Committee reported on Employment Standards and included in the recommendations that the minimum wage be raised to \$6.00. The report was referred back with the instruction that the Committee amend the report to recommend that male and female workers receive equal pay for work of equal value. The Committee did not report on Occupational Health and Safety.

Pay Raises

Pursuant to the cost of living index in the *Yukon Council Act*, the members would have received an increase in their indemnities and expense allowances of 17.75% effective April 1. Because of the difficult economic situation facing Yukon, the House passed a resolution to urge that the Act be amended, which it later was, to establish a 10% increase only.

Point of Privilege

On March 31, the Leader of the Official Opposition, **Tony Penikett**, raised a question of privilege concerning certain remarks made by another member. In his ruling, the

Speaker established that there was not a *prima facie* case of privilege and went on to slap the members' collective wrist for their burgeoning use of unparliamentary language.

Election Call

During the evening sitting on April 21, the Government Leader surprised the opposition by calling an election for June 7. Although election fever was everywhere evident, the opposition had assumed the government would pass the budget before going to the polls. When the House adjourned at 8:00 p.m. the individual members could be seen taking their first steps down the long and arduous campaign trail.

Missy Follwell

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Whitehorse



Saskatchewan

The fourth session of Saskatchewan's nineteenth legislature resumed on March 15, 1982. The first item of business was consideration of a special motion, introduced by the government, which opposed the federal government's expressed desire to alter the Crow Rate, the statutory grain transportation subsidy. Debate on the motion showed strong support for retention of the Crow from both sides of the House; however, the debate was eventually adjourned without the question being put to a vote.

The introduction of the provincial budget was seriously marred by a significant "leak" during the week leading up to Finance Minister **Ed Tchorzewski's** scheduled budget speech. The news media obtained and released several important proposed budgetary provisions, sparking a heated and acrimonious debate

in the legislature. **Bob Andrew** (PC — Kindersley) referred to the budget leak as "a serious breach of the privilege of parliament . . . and perhaps even contempt of the legislature." It was subsequently disclosed that the Minister of Finance had, in fact, tendered his resignation to Premier **Allan Blakeney**. The offer to resign, however, was not accepted. Therefore, on March 18, 1982, Mr. Tchorzewski delivered his budget. Widely speculated as a pre-election budget, the government's spending plans showed an almost 20% increase over the previous year's expenditures, for a record \$2,759.4 million. The budget featured such items as mortgage assistance for home owners, a freeze on utility rates, removal of the provincial sales tax on items of clothing and footwear for children and an increase in the home owners' property improvement grant. The ensuing, rancorous budget debate helped fuel speculation that a provincial election was imminent.

On March 25, 1982, the government introduced legislation ordering the province's striking hospital workers back to work and also, significantly, outlawing strikes during an election campaign. Bill 45, *An Act Respecting Temporary Provisions for Labour-Management Disputes*, stirred up a great deal of excitement in the House and sparked tremendous controversy among organized labour in Saskatchewan. On Friday, March 26, 1982, by leave of the Assembly, the Bill was pushed through second and third reading stages and was given Royal Assent. The following day, Saturday, March 27, speaking at his own nomination meeting in Regina, Premier Blakeney announced a provincial election.

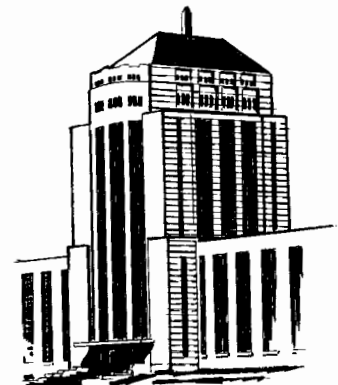
The election campaign was a short but intense battle. Party standings in the House at the time of dissolution were: 44 NDP, 15 Progressive Conservatives and 2 Unionists (former PCs). The NDP, Progressive Conservatives and Liberal parties ran full slates of candidates. In addition, two new parties emerged on the province's political landscape: the Western Canada Concept (WCC) surprised many observers by nominating 40 candidates; and the Aboriginal Peoples' Party of Saskatchewan (APPS) fielded 10. A record number 250 candidates contested Saskatchewan's 64 ridings — three new urban seats having been added to the Legislature as a result of re-distribution.

As polling day approached, most political observers were predicting that the election was too close to call. However, on

April 26, 1982, Saskatchewan voters surprised everyone by electing fifty-five Progressive Conservatives. The NDP will form the official opposition with only nine seats. In what was clearly the largest electoral upset in the province's history, the ranks of the former NDP government were severely decimated — Mr. Blakeney and two cabinet ministers being the only members of the Executive Council to achieve re-election. The popular vote breakdown was PC — 54%, NDP — 37%, Liberal — 5%, WCC — 3%, APPS — .5%, others — .5%. Of the 64 members of the next Legislature, 43 have no previous legislative experience. One of the new members is Premier-elect **Grant Devine**, a 37 year old Saskatchewan farmer who holds a Ph.D. in Agricultural Economics. Mr. Devine officially assumed office on May 8, 1982.

David Mitchell

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Saskatchewan Legislative Assembly
Regina



Newfoundland

The Progressive Conservative Party, led by Premier **Brian Peckford** won a landslide victory in the Newfoundland provincial election held on April 6, 1982. Mr. Peckford called the election after only two and one half years in office saying he wanted a stronger mandate to negotiate ownership of offshore resources with the federal government. This electoral strategy proved highly successful. The Conservatives increased their representation from 33 to 44 seats while the Liberals lost 11 members leaving them with only 8 of the 52 seats in the House of Assembly. The Conservatives took more than 61% of the popular vote with 34% going to the Liberal and less than 5% to the NDP and others.

Among the ten newly elected members, three had already previous experience in the House including **Jim Reid**, former Minister of Transportation, **James Russell** a former Speaker and **George Gross**, a former deputy Speaker. Other new members are **Glen Tobin**, **Milton Peach**, **Bill Matthew**, **Everett Osmond**, **Jack McLennon**, **Loyola Hearn** and **Ida Reid**. Mrs. Reid joins **Lynn Verge** and **Hazel Newhook** as the only women members of the Assembly.

The longest serving member, **Steven Neary**, was returned but several other Liberal members including the Opposition Leader, **Len Stirling**, went down to defeat. New Democratic candidates also fared poorly as all 23 of them lost their \$50 deposit for failing to gain at least half as many ballots as the successful candidate.

The Editor



Alberta

The third session of the nineteenth legislature was prorogued on March 1, 1982. Three days later the Assembly was recalled to hear the Hon. **Frank Lynch-Staunton**, Lieutenant-Governor, read the speech from the throne inaugurating the fourth session.

In a speech framed around economic, agricultural, environmental and housing concerns, Her Majesty's representative stated the government's legislative intentions.

During consideration of the Lieutenant-Governor's discourse, the Hon. **Ray Speaker**, Leader of the Opposition, stressed the need for a "direct and effective response" to the concerns of Alberta citizens and moved an amendment which regretted "the omission of adequate provisions for

the needs of Albertans" in the throne speech.

On hearing the amendment, Speaker **Gerard Amerongen** expressed concern about its wide-ranging nature, which, if either accepted or rejected by the Assembly, could have the effect of "taking a considerable number of topics out of the reach" of the House. Noting that, as a rule of parliamentary practice, a matter decided in a session may not be raised for further consideration subsequently in the session, Mr. Speaker suggested the House continue debate, deferring the call for a question on the amendment, until the cessation of debate on the speech.

On a second occasion the Speaker was asked to rule on a matter which went to the very heart of parliamentary practice: debate. Responding to the tenacious opposition's fall filibuster, Government House Leader, the Hon. **Neil Crawford**, introduced on March 12, 1982, a motion amending the Standing Orders in at least three important respects: limiting speaking time on debates by the Premier and the Leader of the Opposition to 90 minutes (from an unlimited time allowance); limiting consideration by the Committee of Supply on the main estimates to not more than twenty-five sitting days and of Alberta Heritage Savings Trust Fund estimates to not more than twelve sitting days; limiting debate on appropriation bills introduced pursuant to the *Alberta Heritage Savings Trust Fund Act*, and, finally, enabling the Leader of the Opposition to call a department before Committee of Supply once each week during the committee's consideration of the estimates.

Following introduction of the motion, the Leader of the Opposition rose on a point of order. Referring to the parliamentary practice whereby changes in Standing Orders are generally made after study and recommendation by the Standing Committee of Procedure and normally moved by the government after consultation with opposition parties, Mr. Ray Speaker asked Speaker Amerongen to act under the authority of the Standing Orders and, in keeping with usages and precedents of the Assembly, decide either to "have this resolution held for (his) consideration or withdrawn from the Legislature".

After listening to the Government House Leader quote Erskine May to the effect that "Standing Orders are not safeguarded by any special procedure against amendment . . . (and that) ordinary notice

is requisite for the necessary motion . . . Mr. Speaker, emphasizing that "it is not for the Chair to impose any kind of procedure on the Assembly," agreed to the Assembly's request to postpone his ruling.

In rendering his decision the following sitting day, Speaker Amerongen noted the importance of the amendment inasmuch as "debate is of the very guts of parliament" and the lack of a strong precedent or tradition which could guide him in this matter, as amendments had been made both by committee study and simply by government motion. As no clear custom requiring the Speaker to instruct the Assembly to refer Standing Order amendments to committee, the Speaker left the matter in the hands of the Assembly.

An interesting, and perhaps unique, negotiation then ensued on the floor of the Assembly involving the Government House Leader and various opposition members by which it was agreed that, following introductory debate by the Government House Leader, the motion amending the Standing Orders would be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing.

Budget

On Thursday, March 18, 1982, Provincial Treasurer, the Hon. **Lou Hyndman**, delivered the budget address in which the government committed itself to spending \$8.719 billion while receiving \$7.961 billion in revenues. On April 15, 1982, the Treasurer, in a novel move, revised his budgetary fiscal statement, by introducing a \$250 million Oil and Gas Activity Program and a \$616 million Royal Tax Credit Program, components of the Government's recently announced "Alberta Economic Resurgence Plan". He concluded his statement saying "if and when other dimensions of (this new) . . . plan are developed to stimulate further the Alberta economy in light of external and internal economic factors, this revised financial plan may be modified accordingly."

In total 73 Bills received first reading (34 of which were government Bills,) among which were some interesting and controversial pieces of legislation. On Wednesday, March 10, 1982, Bill 11, the *Health Services Continuation Act*, received Royal Assent. It restored full hospital services by terminating a 22-day nurses' strike. Opposition members objected strenuously to the enforcement clauses in the Bill.

Similar disagreement was voiced upon the introduction of Bill 30, the *Public Health Amendment Act*, introduced by Social Services Minister **Bob Bogle**, and which grants the minister access to all medical and other records in the possession of a local health board. After a difficult beginning, the Bill has yet to move through second reading. The minister announced his intention to amend the Bill and reintroduce it in the fall sittings. Bill 36, the *Alberta Corporate Income Act*, was introduced in a move to fine-tune various aspects of provincial corporate income tax regulations.

Several Bills were introduced effecting changes in laws relating to the Assembly and its members, including Bill 39, the *Election Finances and Contributions Disclosure Amendment Act (No. 2)*, which increases the financial limits in the Act by approximately 50 percent.

Private members were also active. Mr. **Rollie Cook** introduced two Bills, the *Scientific Research Foundation Act*, and the *Agricultural Research Foundation Act*, aimed at encouraging basic and applied scientific research in Alberta. Mr. Ray Speaker introduced Bill 203, *An Act to Amend the Financial Administration Act to Control Special Warrant Procedures*, while Mr. **Grant Notley** reintroduced the *Dentist Act* and the *Temporary Rental Regulations Measures Act*.

Mr. **Gordon Kesler**, in his first motion before the House, urged the government to amend the Alberta Bill of Rights by striking out "enjoyment of property" and substituting "ownership of property".

Auditor General **Douglas Rogers** released his report on problems in Heritage Trust Fund management procedures, problems which had sparked the opposition's fall filibuster. Mr. Rogers found that no malfeasance, fraud or collusion had occurred relating to the marketable securities owned by the Fund that those securities were adequately safeguarded and accounted for, and that the government had taken satisfactory action respecting audit observations and recommendations. The allegedly unaccounted for \$60 million which, along with a leaked management letter, had triggered the filibuster, was explained as a trading loss. Included in the report were five recommendations designed to increase the control of the Legislative Assembly over the Heritage Fund by giving it the authority to review and approve a greater percentage of Heritage

Fund expenditures prior to their being spent.

The Auditor General's report resulted in a volley of opposition Bills aimed at increasing Trust Fund management accountability to the Legislative Assembly.

Conflict of interest became an issue again this sitting with the tabling of Mr. Justice **William R. Brennan's** Report which investigated the annexation of lands to the City of Edmonton and the proposed land assembly by the government of Alberta. Although Justice Brennan did not find that a conflict had occurred, he found that Recreation and Parks Minister, the Hon. **Peter Trynchy's** "carelessness" in acting before determining his pecuniary interests in annexed land, held in blind trust, amounted to "negligence".

Opposition attempts to raise a controversy over Mr. Trynchy's conduct by quoting Justice Brennan's comments were ruled out of order. On his ruling, Mr. Speaker was adamant, mindful of what he called a very serious obligation "... to be alert to anything which may occur in a parliament which may adversely affect the good name of anyone inside or outside that parliament. . . . "despite protestations by opposition members that his repression of discussion and questioning was incongruent with the spirit of question period.

Opposition members Grant Notley and Ray Speaker reintroduced bills purporting to prevent potential situations of conflict from arising by detailing rules to determine the conduct of public officials. To date, neither Mr. Notley's *Code of Ethics and Conduct Act*, nor Mr. Ray Speaker's *Conflict of Interest for Members of the Legislative Assembly, Ministers and Senior Government Officials*, have received second reading, a fate common to many private members Bills.

Alberta's small and divided opposition became more discreet this sitting. The Official Opposition's (Social Credit) difficulties increased with the loss of its Olds-Didsbury seat to Western Canada Concept candidate, Gordon Kesler, in the February 17 by-election.

The party's leader, **Rod Sykes**, who had led the party for 18 months from the galleries, tendered his resignation and House Leader Ray Speaker announced that his party would not field candidates in the next election. This decision to disband, was challenged by the Social Credit

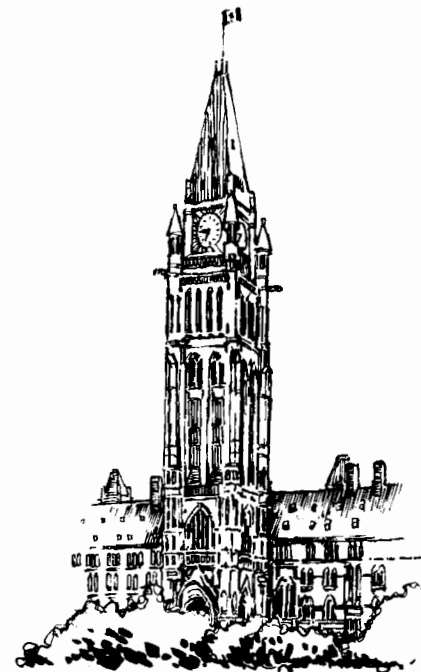
Women's Auxiliary, thereby making evaluations of the party's status difficult.

Independent member **Tom Sindlinger** announced his intention to form the Alberta Party. Although no policy platform has been articulated, Mr. Sindlinger clearly stated his pro-Canada position at a May 1 founding convention in Calgary.

Minister of Environment **Jack Cookson's** reference in the House to the "separatist member" brought Gordon Kesler to his feet. "I take objection to the honourable minister using the word "separatist" he retorted on a point of order, "I'm a member of the Western Canada Concept Party. . . . you can refer to the member of the 'independence' party".

On May 4, 1982, after 41 Bills had received Royal Assent, the business before the House was deemed to have been completed, and the Assembly adjourned for the summer recess.

**Deborah Vidolin and
Roger Douglas**
Legislative Interns
Alberta Legislative Assembly
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Senate

One of the more lively debates during the period under review (February 1-April 30, 1982) was on a motion by Senator **Duff**

Roblin. He argued that responsible government in Canada would be strengthened if the membership of the Senate were elected rather than appointed. Emphasizing that he spoke only for himself and not for his party, Senator Roblin outlined the functions the Senate was originally intended to perform and some of the traditional criticisms of its work. His central thesis was that appointed Senators will always lack, "political legitimacy, in the constitutional sense". He offered a number of different ways Senators could be elected although he recognized that the real problem was in the principle not with the actual details.

One person who objected strongly to the principle of an elected Senate was Senator **Richard Donahoe**. He rejected the idea that an elected Senate would be any more effective and warned against change merely for the sake of change. Other Senators also spoke on the issue and although it was not resolved, members did have an opportunity to discuss the kind of political institutions they think are best suited to the Canadian context.

Committee Activity

As usual Senate committees were quite active. A number of interesting reports were tabled including one on "Canada's Trade Relations with the United States" presented by the Chairman of the Committee on Foreign Affairs, Senator **George van Roggen**. The report is the third volume of a study on Canada-United States relations which began in 1975. After outlining its earlier recommendations and some persistent economic problems between the two countries, the committee concluded that Canada is in a situation where its tariffs are too low to provide effective protection and, at the same time, it has no free access to huge assured markets as enjoyed by its competitors in the European Community, Japan and the United States. According to the committee, measures to strengthen the position of Canadian industry are not having the desired effect, therefore, a bilateral free trade agreement with the United States should be negotiated. The most important and basic economic benefit of bilateral free trade would be to assist industrial restructuring which would result in an industrial establishment able to compete effectively not only in the United States but in world markets.

The committee recognized the traditional fear that free trade would lead inevitably to an erosion of Canadian sovereignty

and perhaps eventual absorption by the United States but it felt these ideas were based on misconceptions and a lack of facts as to what constitutes a free trade area. A good deal of education needs to be done, but the committee has taken a large step in starting that process.

The Committee on Foreign Affairs also presented a report of its subcommittee on National Defence entitled, "Manpower in Canada's Armed Forces". The committee recommended that the regular force component of Canada's Mobile Command should be increased by 6,500 persons to some 25,000 persons by 1987. The cost over that period would be less than one tenth of one per cent. As the Chairman of the Committee, Senator **Paul Lafond**, pointed out, even with these modest increases Canada will not be really able to defend its vast territory in the foreseeable future. "Still this does not mean we should lie on our back and give up. We should at least give ourselves the means to detect and learn what may be taking place at any time in our immense backyard."

The eleventh report of the Joint Committee on Regulations and Other Statutory Instruments was tabled by Senator **John Godfrey** on March 2, 1982. The committee's mandate is to review regulations from a technical point of view to see that they do not breach any of 15 criteria established by the committee and approved by Parliament. The committee has no authority to force a particular department to change a regulation but if it is not satisfied with a response it can make a report to Parliament. The eleventh report was basically a "report card" showing which departments or agencies had been cooperative and which had not. The committee noted several instances where departments had given undertakings to act but where no action had been forthcoming. There were also six cases of departments who did not even have the courtesy to reply to letters from the committee. Finally the report showed that in 34 of 52 cases brought to the attention of ministers they either took appropriate action or gave an undertaking to do so. The report did not refer to the many cases where committee counsel negotiated changes with designated officers in the department or agency. All things considered, Senator Godfrey singled out two Departments, Finance and Industry and Trade and Commerce, with which the committee had little success.

The Editor

House of Commons

The atmosphere of the House for much of these past months (February through April) has been often tense and fractious. It began in the early weeks of February when the government exercised its rarely used right to defer a designated Supply Day during which the opposition had hoped to raise the embarrassing issue of a letter written to the government by ten Liberal MPs, including two cabinet ministers, requesting employment creation programmes. The opposition was also frustrated by its failure to persuade the Speaker, **Jeanne Sauvé**, to divide Bill C-93 which related to tax law and borrowing authority. When a second request to do the same with the *Energy Security Act* met the same fate, it provoked an angry opposition to seek the immediate adjournment of the House. This became a boycott lasting more than two weeks when the Conservatives failed to appear for the vote as the division bells continued to ring.

After much negotiation, a settlement was reached; the terms of which were set out in Standing Order 75.1. The *Energy Security Act* was replaced by eight separate pieces of legislation which were to proceed through the House within certain time limits. Debate by the three parties was not to exceed 35 hours at second reading stage and again at report and third reading stage. The Conservatives were allotted 21 hours for debate on both occasions, the Liberals and NDP were given 7 hours each. The rules for dinner recess on Mondays, Tuesdays and Thursdays and on the lengths of speeches are suspended when the House is considering any of these bills. Time taken up by the independent, **William Yurko**, does not count in the calculations of the time permitted to the three parties. Upon referral, the bills are to be studied by the Standing Committee on Energy Legislation which, like Standing Order 75.1 itself, is to expire once the legislation is disposed of by the House. This is to happen no later than June 30, unless there is a prorogation.

On the first full sitting day following the unprecedented bells incident, the Speaker made a statement to the House explaining why she had not intervened to end the impasse. She concluded her remarks by observing that the time has come to review present parliamentary procedures. A Supply Day motion on that subject was then moved which allowed members to hear and consider various proposals for reform.

Among the suggestions put forward; **Joe Clark**, the Leader of the Opposition, stated that political parties should allow their members more independence in the House; Government House Leader **Yvon Pinard** mentioned that the House could improve its efficiency by stream-lining its procedures such as reducing the length of speeches; for the NDP, **Ed Broadbent** recommended that Canada follow the example of West Germany and give members greater opportunity to work in their ridings. A Liberal backbencher, **Claude-André Lachance**, expressed the hope that the recent parliamentary task forces be made the model for more of the House committees. In accordance with the rules, the motion expired at the end of the day; but it is not yet certain whether the spirit of reform also expired.

Possible changes to the budget process were raised on April 20 when the Minister of Finance, **Allan MacEachen**, presented a green paper intended to stimulate discussion on how to eliminate much of the traditional secrecy and to permit broader consultation prior to the budget presentation. The paper suggests the use of committees both inside and outside of Parliament to examine possible budget proposals. In addition, the budget speech itself should be presented at the same time each year. Though there was some scepticism expressed as to the timing of the minister's action, Opposition spokesman **Michael Wilson** favoured the idea of greater consultation.

As part of the fallout resulting from the bells crisis, most of the committees of the House did not sit during the time of the deadlock. However, as the Senate continued with its business, so too did the Special Joint Committee on Official Languages and the Joint Committee on Statutory Instruments and Regulations. It was this latter named committee which issued a summons or "certificate", to compel the presence of one of its witnesses. The Committee took this unusual step when the witness in question, a civil servant, declined a request to appear on the grounds that he was too busy. In any event, he changed his mind once it became known that the committee had caused the summons to be made out.

Several House committees issued major reports during March and April. They all give evidence of a continuing trend to allow committees a role in shaping government policy. The first was a study of the

Standing Committee on Transport, which examined a policy paper on domestic air carriers issued last August by Transport Canada. In its findings the committee, chaired by **Maurice Dionne**, recommended that regulations on the airline industry be more flexible in order to foster its efficient development. At the same time the committee rejected any suggestion that Canada follow current American practice and deregulate the industry altogether. The committee outlined operations for national and regional air carriers and the role of the Canadian Transport Commission, the federal Government agency responsible for industry regulations.

In March 1981, the Standing Committee on Indian Affairs and Northern Development was instructed to appoint a subcommittee to investigate operations of the Northern Canada Power Commission, a federal crown corporation responsible for the generation and transmission of all major electrical power north of 60°. This subcommittee, headed by **Keith Penner**, travelled to various parts of the territories and heard testimony from witnesses representing the federal and territorial governments, industry, business and the public. Based upon the evidence it received, the subcommittee prepared a report which proposed the creation of separate territorial crown corporations to assume present NCPCC responsibilities. If such a transfer cannot be done quickly, the report urges that the NCPCC be relocated from its current base in Edmonton to the North, where the service can be more responsible to its consumers. Moreover, the committee believed that the federal government should write off the NCPCC's existing debt of \$4 million and set maximum energy prices for the purpose of subsidizing power to the North.

Another committee to present a major report was External Affairs and National Defence. It made a series of recommendations on security and disarmament policies in preparation for the second United Nations Special Session on Disarmament planned for June and July of this year. The committee, led by **Marcel Prud'homme**, was specifically ordered to report to the House by early April so that Parliament could have an effective voice in national policy-making in the period preceding the Special Session. The Committee urged the full participation of Canada in these talks and elsewhere to promote international agreements on disarmament. The Committee also supported the designation of nuclear weapon-free zones where appropri-

ate. Conscious of the economic impact of the arms build-up, as well as the international tensions to which it gives rise, the committee nonetheless recognized that the terms of an arms freeze or of an arms reduction can only be effectively worked out by the United States and the Soviet Union.

The cautious position staked out by the Committee prompted six of its thirty members, representing all three parties, to make public a minority report which took a stronger line in support of disarmament. In their report the six, which included **Pauline Jewett**, **Doug Roche**, **Bob Ogle**, **Terry Sargent**, **Walter McLean** and **Paul McRae**, urged Canada to put its full strength behind a global freeze on testing and deployment of nuclear weapons and delivery systems. In addition, the six called on Canada to consider a UN-sponsored referendum on disarmament, and to pledge one-tenth of one percent of the national defence budget to disarmament efforts. There was also discussion over the issue of the cruise missile testing over Cold Lake, Alberta. While the committee report gave its tacit approval to such testing, the minority report demanded its prohibition in Canada.

The External Affairs and National Defence Committee also continued to attract public attention through the activity of its sub-committee on Latin America. In February, the subcommittee made a fact-finding trip to El Salvador to assess the advisability of sending Canadian observers to its general election despite the near state of civil war and continuing violations of human rights. Speaking on behalf of the subcommittee, the chairman **Maurice Dupras**, said that the Canadian government should continue to monitor the situation closely but should also hold to its decision not to send formal observers. Attempts should be made to dissuade the United States from its policy of military aid to the Salvadorean regime. Meanwhile, assistance should be increased to the refugees through church agencies.

Despite the assessment of the subcommittee, MP's **Sinclair Stevens** and **Robert Wenman** travelled to El Salvador as unofficial observers to witness the election held at the end of March. In their judgement, the elections were indeed fair, an opinion they expressed in testimony to the subcommittee at the end of April.

In recent years petitions have become a regular feature of House business and the Speaker now calls upon members

to present them as part of Routine Proceedings. Their subject matter ranges over a broad spectrum. On April 6, however, more than twenty petitions were presented soliciting the government to change its policy on metric conversion. One petition presented by **William Domm** contained 135,327 signatures and was defiantly measured as being 36 inches wide, 3½ miles long and 247 pounds in weight. For his part, the minister responsible for the Metric Commission, **André Ouellet**, charged that the petitions were the result of false and misleading representation and information.

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Ontario

The second session of Ontario's thirty-second parliament began on March 9, 1982 with the reading of the Speech from the Throne by Lieutenant Governor, Honourable **John Black Aird**.

The principal theme of the speech was that in the current economic difficulties, the people and the government of Ontario must "devote our abilities and our energies to putting Ontario on a more positive economic track". Ontario's policy it was argued, would have to be developed around what the speech termed "federal intransigence" in economic and social policy. The federal government's high interest rate policy was particularly singled out for criticism; "similarly, Ontario will stress the need for a continued renegotiation of the cutbacks of social services funding proposed by Ottawa".

In a more positive vein, the speech announced the government's intention to

proceed with legislative and administrative initiatives in many fields. Among these were increased funding for youth employment and for manpower training; a forest improvement project, and acceleration of the construction of resource access roads in the province's North; upgrading of rail service and drydock facilities; establishment of a centre for toxicology research and of an autotechnicentre.

A series of measures was proposed to assist the agricultural sector, with special emphasis on stimulating sales of Ontario food products and reducing dependency on imported food.

A new incentive programme was proposed for investors purchasing new issues of shares in Ontario junior companies. Attempts are also to be made to utilize the existing "buy-back" programme in saving Ontario companies threatened with bankruptcy or with closing down plants.

The government also announced its intention to improve social programmes. The speech indicated that special projects will be undertaken to meet the needs of elderly persons in small and remote communities in the North, and more generally to foster the independence of seniors. Improved day care services were promised as were special plans in the Ministry of Health to combat both cancer and heart disease. New measures designed to increase the availability of French language services in Ontario were set out. In the field of labour policy, in addition to significant reform of workmen's compensation, the speech signalled legislative initiatives on unjust dismissal, protection of severance pay and in the area of 'equal pay'.

Finally, the government announced that Ontario will "firmly opt in to all the provisions of the charter of rights in the new constitution" and that a thorough review of all legislation and government programmes will be undertaken to ensure their accordance with the charter of rights and freedoms.

The new Leader of the Opposition, Liberal **David Peterson**, described the speech in the words of T.S. Eliot: "shape without form, shade without colour, paralysed force, gesture without motion". He criticised the speech for its lack of any sense of urgency for the severe economic problems faced by the province, and for its emphasis on "fed-bashing" in place of solid economic programmes: "I do not believe it

is good enough just to say it is some else's responsibility".

Mr. Peterson went on to outline some of his party's proposals on interest rate relief, pension reform, freedom of information, acid rain and aid to agriculture, all of which, he argued, were inadequately treated in the speech. He also added that "as Liberals, we are not prepared to fight economic problems on the backs of social services".

New Democratic Party Deputy Leader **Jim Foulds** also castigated the government for the inadequacies of its policy as represented in the throne speech. "Throne speeches are notoriously vague", said Mr. Foulds, "but this is the weakest reponse I have ever heard to Ontario's most challenging circumstances".

Mr. Foulds concentrated his criticism of the government's programme on economic concerns: high interest rates, the plight of the automobile industry, weaknesses in the forestry and construction industries, the inadequacy of government programmes to foster industrial research and development, and the economic distortions arising from foreign investment.

In the House

Two issues excited the lion's share of attention in the House. First was the government's economic policy — or, in the opposition's view, the government's lack of policy — and the unusual lateness of the budget (May 13, over two months into the session). The other central issue was the government's response to the withdrawal of services by provincial doctors in support of their demands for increases in the scale of benefits paid under the provincial health plan. Day after day, thirty or forty minutes of Question Period were given over to attacks on the manner in which Health Minister **Larry Grossman** was conducting negotiations with the Ontario Medical Association and was responding to the doctors' 'strike'.

Few major pieces of legislation were introduced, though several significant bills were carried over from the previous session. A bill was passed extending the term of municipal councillors from two to three years, and another bill was introduced of substantial import to local government: the *Municipal Conflict of Interest Act*.

Committee Activities

As ever, the Assembly's standing and select committees were very active, partic-

ularly in the interval between the end of the previous session in December and the start of the new session. Among the highlights were:

— the presentation of the final report of the Select Committee on Pensions. The report contained detailed commentary on the 163 recommendations of the 1981 Royal Commission on the Status of Pensions in Ontario. The committee proposed a number of reforms relating to vesting, portability, disclosure provisions, survivor benefits, pension administration and so on. The Committee was unwilling to recommend radical revamping of the pension system — for example, substantial enrichment of the Canada Pension Plan — leaving the private pension industry to enhance and strengthen employment pension plans.

— the intensive review by the General Government Committee of the proposed new *Planning Act*, which will have major implications for all municipalities in Ontario.

— the continuing oversight by the Procedural Affairs Committee of provincial agencies, boards and commissions; in its most recent review, the Committee closely examined, among others, the Ontario Board of Censors and the Ontario Police Commission.

— an enquiry by the Public Accounts Committee of the use of computers in the Ontario Government.

— the commencement by the Social Development Committee of a major study of family violence, and possible government response to this very serious social problem.

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British Columbia

When Parliament resumed on April 5, the Minister of Finance **Hugh Curtis**, presented his budget which outlined three main objectives for the 1982/83 fiscal year. The first was to stimulate the economy and to create jobs, particularly in industries and communities seriously affected by the recession. Second, to insure that the burden of economic restraint is shared equally by all British Columbians. Finally, to continue to provide quality social programs. The minister noted in the speech that education and health costs bear little relation to economic activity.

Personal, corporate and provincial sales taxes remain unaffected by the budget. Moreover, the government intends to meet its objectives without huge government borrowings. A shortfall between expenditure and revenue of \$358 million will be made up from special purpose funds.

Revenue producing measures for this year's budget include increases in the social service, cigarette and hotel room taxes and a 10 per cent surtax on provincial personal income tax over \$3,500. Liquor product price mark-ups also will contribute to provincial revenues. A special tax placed on chartered banks with taxable capital of more than \$500 million is expected to provide an additional \$15 million to the provincial treasury.

Economic Stabilization Program

The centerpiece of the new budget is a two year economic stabilization program announced by Premier **William Bennett** on February 18, 1982. A 12 per cent ceiling on government spending and a limit of between 8 and 14 per cent on public sector

wage settlements are two elements on the restraint side of the program.

Job creation is an important part of the stabilization program. Some \$132 million is earmarked for a special cabinet committee on employment development to initiate and coordinate training and employment strategies. An additional \$1.2 billion will be spent on a capital spending program in the year ending March 31, 1983. Beneficiaries of the capital spending program are Northeast Coal Development, B.C. Place and a light rapid transit system proposed for the lower mainland. These measures are expected to provide close to 40,000 jobs in the current fiscal year.

The Opposition finance critic, **David Stupich** (NDP — Nanaimo) observed,

The object of the game is no longer to balance revenue against expenditure. It is to restrain government spending within a politically chosen ceiling. The ceiling this time is 12 per cent.

Criticism also was directed at the government for indexing user fees over the past twelve months which, "... differ from tax increases in that they do not require legislative approval; ...".

Questions of Privilege

The Speaker had to rule on several questions of privilege after the House resumed sitting. On Monday, April 5, 1982, **Frank Howard** (NDP — Skeena) rose on a question of privilege relating to television coverage of the budget speech by the Government Production Center, an agency under the jurisdiction of the Provincial Secretary and Minister of Government Services. In reviewing the reasons for this arrangement, Mr. Speaker advised the House that the growing interest by the electronic media in covering the speech necessitated cooperation among the contending agencies.

Therefore, a suggestion by Mr. Speaker to provide a *Hansard*-type coverage appeared to have some merit, and consultation with representatives from both caucuses showed the approach to be acceptable. The networks agreed, the unions agreed, and equipment and staff was seconded to Mr. Speaker for the day and is under Mr. Speaker's direction.

It was Mr. Howard's opinion that although the question of allowing a common television feed had been discussed beforehand, the question of allowing the Government Production Center to be in

charge had not entered into the discussions. His concern was twofold. First, allowing the Center into the Chamber would set a precedent. Second, it would create a potential situation where the proceedings could be manipulated and edited by the producer's outside of the Chamber. In his ruling, Mr. Speaker reminded members that until now the House had not consented to television coverage of the proceedings.

Without that consent, a matter of privilege does not even exist — because a matter of privilege assumes that some privilege of a member assumed and predicted by the standing orders is being contravened — and as a result the matter of privilege then becomes academic.

The outcome was that leave was not granted for the speech to be televised.

A change in the format for tabling the estimates led to a second matter of privilege being raised on April 5, this time by the Leader of the Opposition **Dave Barrett**. Mr. Speaker ruled that a prima facie case of privilege was not established since the *Financial Administration Act*, section 20(1) allowed for the change.

A matter of privilege that subsequently received much attention in the

House and the media was raised by **Bill King** (NDP — Shuswap-Revelstoke) on April 7. He complained that he had been slandered by certain remarks made by the Minister of Tourism during the budget debate. While the Speaker ruled in a reserved decision that the minister's remarks did not constitute a breach of the member's parliamentary privilege, he nonetheless cautioned members that, "It would indeed be unfortunate if reckless statements were made merely because of the immunity a member had while speaking in the chamber."

Reports

Readers from other jurisdictions may be interested in a report tabled by the Speaker and commissioned under the *Legislative Procedure Review Act*. Entitled "The Speaker and the Legislative Assembly of British Columbia" the report proposed several changes in the authority of the Speaker and the administration of the Legislative Assembly. Specific to the Office of the Speaker was a recommendation that the holder of this office be ranked second in the B.C. Table of Precedence, after the Premier. Also, that remuneration for the Speaker equal that provided a minister with portfolio. One proposal which would improve decorum and speed up House busi-

ness in the Chamber, was the abolition of appeals from decisions of the Chair.

Turning to the legislative precincts, the report concludes two major steps need to be taken. First, the establishment of a board of internal economy similar in structure to the one at Westminster. Second, the establishment of autonomous financial management.

Legislation

Twenty-four government and three members' bills received first reading in the seventeen sitting days since Parliament resumed.

Apart from the *Supply Act*, the only other bill to receive Royal Assent in the current session was Bill 27, *Education (Interim) Finance Act*. This Act, which introduces a new tax formula for financing provincial education costs, was opposed vociferously by the Official Opposition during second reading stage.

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Erratum: The last issue stated incorrectly that the British Columbia legislature adjourned on November 25, 1981. The actual date was December 1.