

Reports on Legislative Activities



The fifth session of the fiftieth legislature which began on April 8th prorogued on Saturday, June 27, 1987. The session, which lasted forty-four sitting days, was the last before New Brunswickers go to the polls.

During the session, 103 pieces of legislation were introduced with 76 Public Bills and 11 Private Bills being passed. Of note among the Public Bills was the passage of the *Gasoline, Diesel Oil and Home Heating Oil Pricing Act*. The legislation was a result of an evaluation by the government of the recommendations of the Standing Committee on Crown Corporations relating to gasoline pricing in New Brunswick. The Bill will enable the Lieutenant Governor-in-Council to create regulations to establish a mechanism for the determination of maximum prices for gasoline, diesel oil and home heating oil, and to determine minimum retailer margins.

Among the private legislation was a Bill entitled *Motor Vehicle Franchise Act* which is intended to regulate the relationship between vehicle manufacturers and distributors and to protect the rights of franchised dealers, their employees and their customers in the province.

On June 16, 1987, Government House Leader **Malcolm MacLeod**, tabled the 1987 Constitutional Accord on behalf of Premier **Richard Hatfield**. The Legislature's Standing Committee on

Law Amendments held public hearings during the summer to debate the Accord.

The close of the session marked the end of several long political careers including that of Executive Council President **Wilfred Bishop**, Progressive Conservative Member for Queens North who after 35 years was the longest serving member in the province's history.

Loredana Catalli Sonier



The first session of the thirty-fourth Parliament of British Columbia continued from March 9 of this year with a total of fifty-four government bills, eight members' bills and six private bills at various stages of completion in the House.

Bill 19, the *Industrial Relations Reform Act*, 1987 and Bill 20, the *Teaching Profession Act*, were both introduced on April 2 and consumed nearly two and a half months of debate before receiving Royal Assent on May 26. Both focussed national attention on the evolution of labour-management relations in British Columbia and the possible impact generally across Canada. Royal Assent was given to Bill 35, the *Legislative Assembly Board of Internal Economy Act*, on May 26th, marking an historic departure from the administrative structure within the Assembly. Introduced by Government House Leader, **Bruce Strachan**, the Act is a manifestation of

recommendations contained in a 1982 Report by the Commissioner, **E. George MacMinn, Q.C.** pursuant to *Legislative Procedure Review Act*, to the effect that the separation of the executive branch of government from the legislative branch should be promulgated to reflect the role, function and independence of the Legislative Assembly.

Membership on the Board of Internal Economy will consist of the Speaker, the Government House Leader, the Chairman of the Government Caucus, the Opposition House Leader, the Chairman of the Opposition Caucus and the Provincial Secretary. Each member of the Board may designate another member of the Legislative Assembly to their respective positions. The Speaker is the Chairman while in the Speaker's absence the Deputy Speaker is empowered, with respect to the business of the Board, to exercise the powers of the Speaker. A quorum of the Board is three persons: the Speaker or Deputy Speaker, one government member and one opposition member. The Speaker has the casting vote.

According to Section 3 of the Act, the function of the Board will be to formulate policies respecting the administration of the Assembly, provide the facilities and services required for the effective functioning of the Assembly, allocate space and provide for security within the Legislative Precincts (which are defined in Section 1 as the Parliament Buildings, such parts of adjacent buildings used by members of the Assembly, Officers and staff and other lands or buildings or both designated by Minute of the Board), and to appoint, fix the terms of appointment, supervise and manage staff required to carry out the mandate of the Board.

The Board of Internal Economy may delegate any of its powers to the Speaker or to the administration committee which shall consist of the Speaker, the Clerk of the House (or another Officer of the House designated by the Clerk of the House) and an accounting officer. The administration committee may make recommendations to the Board regarding staff, make decisions on routine matters of administration, and during emergencies, carry out the duties and responsibilities of the Board subsequent to dissolution of the Assembly. The administration committee is empowered to delegate to other persons any power previously conferred upon it. During a period of dissolution where a Speaker-designate is named, he is deemed to be Speaker for the purposes of the Act. The Act or a Minute of the Board prevails over the *Financial Administration Act of British Columbia* or any regulation or directive made under it.

Several committees have been actively engaged with matters referred to them this season. The Select Standing Committee on Public Accounts, chaired by **Darlene Marzari**, an opposition member, has held a series of methodical and systematic examinations as a result of issues raised in the Auditor General's 1987 Annual Report and the financial statements contained in the Public Accounts documents. British Columbia is one of several remaining jurisdictions that has a legislative committee intimately involved in the approval of the retention and disposal schedules of the records of government. This year a backlog of over 700 decision items was handled expeditiously by the Public Accounts Committee. A member of the Public Accounts Committee, **Elwood Veitch**, Provincial Secretary and Minister of Government Services, provided data on the physical extent to which documents were accumulating over the past year or so. The amount of material awaiting disposal or transfer to the Provincial Archives would fill 7,600 four-drawer filing cabinets, fill the Legislative Assembly Chamber twice, or if stacked, reached a height of 14 miles! Storage costs, annualized, reached \$470,500 increasing at a rate of \$9,000 per month.

The Special Committee to Appoint an Auditor General for the Province chaired by **James Hewitt**, continued with its review of applications for the position. The Committee expects to establish a short list soon and has retained the firm of Stevenson Kellog Thorne Ernst and

Whinney of Victoria as a management consultant with expertise in the area of senior management resourcing.

Kim Campbell, Chairman of the Select Standing Committee on Labour, Justice and Intergovernmental Relations, presented the Committee's First Report to the Assembly on June 26th with respect to Judges' salaries in the Province. After receiving submissions from the Attorney General and the British Columbia Branch of the Canadian Bar Association, the committee recommended salary increases to judges appointed under section 5 (1) (b) of the Provincial Court Act. The review was made pursuant to section 7 (1) and (2) of the *British Columbia Provincial Court Act* in conjunction with the Report and Recommendations of the Compensation Advisory Committee respecting Judicial Salaries in British Columbia. The House adopted the Committee's report on June 26th this year.

On May 22, the Select Standing Committee on Economic Development, Transportation and Municipal Affairs, chaired by **David Mercier**, was charged with the responsibility of reviewing the *Islands Trust Act*, specifically: the object of the Trust; governmental structure within the Trust area including representation; provision of local government services within the Trust area, including land use planning and zoning; and matters arising out of Section 3 of the Act. The Committee is to conclude its deliberations and to report its findings on or before October 1, 1987. The Islands Trust area, formed in 1977 by Government of the time, comprises some 500 islands within 15 island groups between Vancouver and Victoria and as far north as Denman Island. A series of community meetings on the islands and in Victoria and Vancouver took place in August.

The Select Standing Committee on Standing Orders, Private Bills and Members' Services, chaired by **Duane Crandall**, has held meetings to deal with the private bills referred to it: *An Act to Amend the Vancouver Charter*; the *Victoria Foundation Act*; the *Columbia Bible College Act*; *An Act to Incorporate Mission Foundation*; the *Vancouver Museum Foundation Act*, and the *University of Victoria Foundation Act, 1979 Amendment Act*.

The eight members' bills currently at First Reading stage on the Order Paper include seven from the opposition and one from the government. They are: *The Legislative*

Assembly and Executive Council Conflict of Interest Act, introduced by **Mummohan Sihota**; *An Act to Provide for Canadian Ownership of Hydro-Electric Utilities*, introduced by **Glen Clark**; *An Act to Establish an Institute of Indigenous Peoples' Languages for British Columbia*, introduced by **Gordon Hanson**; *Freedom of Information Act*, introduced by **James Jones**; and the *Dual Elected Office Prohibition Act*, introduced by **Russell Fraser**.

The House adjourned on Thursday, July 16.

Craig H. James



The prairie summer sun has been shining in vain for Saskatchewan legislators who remained in session throughout the summer. While the first session of the twenty-first legislature began in the fall of 1986 with the Speech from the Throne and the ensuing debate, the session was adjourned on December 24 and did not resume until some six months later on June 17, 1987.

The budget, normally presented in March or early April, consequently was delayed until June 17. The government explained that the delay was necessary in order to accomplish a complete review of government programs and expenditures for the purpose of identifying substantial cuts. Reductions in spending were declared to be necessary to deal with the Province's worsening financial situation as world prices for resource and agricultural commodities continued to fall.

In the months leading up to the budget, cutbacks in numerous programs were announced by Ministers in the Devine

government. Part of the "downsizing" exercise included a projected ten per cent decrease in the size of the public service to be obtained by early retirements, layoffs and the elimination of vacant positions. While numerous government departments and agencies experienced substantial reduction in funding, it was the cutbacks in social programs such as the prescription drug plan, the children's dental care program and many third party grants that received the most attention by the press, the public and the Opposition.

During the period following March 31, 1987 a public controversy arose over the government's use of special warrants to fund the ordinary expenditures of government in the new fiscal year while the Assembly was not sitting. The Opposition argued that it was improper for the government to use special warrants for the regular expenditures of government merely because they had been unable to get their budget prepared at the usual time. The Opposition further charged that the delay was purposeful to avoid having to account to the Assembly for the "dismantling" of the province's social programs.

The debate over whether the use of special warrants in the present circumstance was unconstitutional or illegal spread until it embroiled not only the Ministers of Finance and Justice but also several university professors, the Lieutenant Governor and the Legislative Counsel and Law Clerk. The Leader of the Opposition requested a legal opinion on the matter from the Legislative Counsel and Law Clerk, an officer of the Legislative Assembly. The 19-page legal opinion which was released to the press by the Opposition suggested that the use of special warrants under the current circumstances was illegal. The government was annoyed, to say the least, and in a press interview the Minister of Justice **Bob Andrew**, made comments criticizing the competence and impartiality of the Legislative Counsel and Law Clerk.

Shortly thereafter the government announced the recall of the Legislature and the date for the budget presentation. This did not end the matter, however, as the Leader of the Opposition raised a point of privilege in the Assembly concerning the Minister's attack on the credibility of an officer of the House. The Speaker ruled that the remarks may have inhibited the officer's ability to carry out her duties and constituted a *prima facie* case of breach of privilege. The Minister

of Justice apologized to the Law Clerk and the Assembly. The House later accepted the apology. The case marked the first time that an officer of the Saskatchewan Assembly was declared to be protected in some measure by the law of parliamentary privilege. On June 17, the Budget presented by the Minister of Finance, **Gary Lane** confirmed the earlier announcements about program cutbacks. In addition to the reduced expenditures for reorganized and streamlined services, the Budget Address announced tax increases. These included an increase in the Education and Health Tax from five per cent to seven per cent, an increase in the flat tax from one per cent to one and a half per cent of net income, and the imposition of a fuel tax of seven cents per litre which is rebateable to individuals on their fuel for personal use.

Following completion of the Budget Debate the Assembly concentrated on the review of departmental spending estimates devoting only a small amount of time to minor pieces of legislation. In the Saskatchewan Legislature, estimates are still reviewed in the traditional way in Committee of Finance with no time limits on the consideration of estimates. If the time spent on the first few departments is any indication, this session's review of estimates promises to be very lengthy.

The session has been marked by a lack of committee activity stemming from the failure of the Assembly to resolve a dispute regarding what the quorum should be in committees. As a result the Standing Committees have not been established and the usual work of committees has been stalled.

On August 20 and 21, the Assembly debated a resolution respecting the appointment of a new Ombudsman, an officer of the House. Opposition Members opposed the appointment of the proposed candidate on the grounds that no consultation had taken place with Opposition Members, the position had not been advertised and that the candidate lacked the necessary appearance of impartiality and independence required for such a position. Nevertheless, the resolution recommending the appointment of **Gerald McLellan** was adopted following the defeat of an amendment to refer the matter of the selection of an Ombudsman to an all-party committee.

On August 7, 1987, the Leader of the Opposition, **Allan Blakeney**, announced he would step down as Leader of the Provincial New Democratic Party paving the way for a leadership convention

subsequently announced for November. On August 20, **Roy Romanow** became the first person to announce his candidacy for the leadership effectively ending speculation that he would seek a federal nomination.

The Legislature is expected to continue sitting well into the fall.

Gwenn Ronyk



Senate

The Senate and its committees were quite active during the period under review. Four bills originating in the House of Commons were amended by the Senate: i) Bill C-259, *An Act to extend the terms of a patent relating to the food additive aspartame*; ii) Bill C-22, *An Act to amend the Patent Act, which dealt with changes to patents for pharmaceutical products*; iii) C-18, *An Act respecting national transportation*; and iv) C-19, *An Act respecting motor vehicle transport by extra-provincial undertakings*.

Bill C-259 was referred to the Banking, Trade and Commerce Committee on June 25. On June 26, Chairman **Ian Sinclair** reported back the bill to the Senate with one amendment, extending the expiry date of the patent, which was held by NutraSweet Co., from July 7 to December 31, 1987. The amendment was agreed to and the bill returned to the Commons. However, there was no consent in the Commons to deal with the amendment and as a result the patent for the Company expired.

Much controversy surrounded the Senate's dealing of Bill C-22. On April 2, the Senate created a special Committee to study the subject matter of the Bill. The Committee, headed by **Lorne Bonnell**,

held hearings in May and June in all provincial capitals and in Ottawa. Over 200 individuals or groups gave testimony. On June 23, the Committee presented a 30-page report on the subject matter of the Bill. On June 25, the Bill itself was given second reading on division and referred to the Special Committee. Since the Government was anxious that Senate complete its study of the Bill as soon as possible, the Senate continued sitting after the Commons had recessed on June 30. On July 7, a House order was agreed to whereby Bill C-22 as well as Bills C-18 and C-19, would be reported back from Committee no later than August 10 and it was agreed that all three bills would be disposed of no later than August 15.

On August 10, the Special Committee presented its report on Bill C-22 with eleven amendments, certain observations, recommendations and recognition of dissenting opinions. However, the report was referred back to the Special Committee after it was suggested that some of the amendments may have been beyond the powers of the Senate. The Committee presented a revised report on August 12 with ten amendments and five recommended amendments which the Committee requested be adopted by the Commons. The original Bill C-22 proposed to extend patent protection for up to ten years and to establish a price review board to monitor drug prices. The amendments proposed by the Committee suggested protection be reduced to four years and the review board not be created. The Bill as amended was agreed to by the Senate on August 11 and returned to the Commons.

Bills C-18 and C-19 were received by the Senate on June 18 and June 25 respectively and later referred to the Transport and Communications Committee, headed by **Leopold Langlois**. Pursuant to the House order of July 7, the bills were reported on August 10. Ten amendments were proposed by the Committee to Bill C-18 and three amendments were proposed to Bill C-19. The amendments were concurred in by the Senate and the Bills were returned to the House of Commons on August 12.

Committee Activities

On June 11, the Senate agreed on a division of 34 to 17 that the Meech Lake Constitutional Accord and texts subsequently agreed to be referred to a Committee of the Whole for the purpose of hearing witnesses and making a report. The Senate also agreed on June 17 by a division of 63 to 11 to participate in a

special joint committee with the House of Commons on the 1987 Constitutional Accord. Selected as Co-Chairman of the Special Joint Committee from the Senate was **Arthur Tremblay**. Selected as Chairman of the Committee of the Whole was **Gildas Molgat**. On August 13, the Senate authorized the establishment of a Task Force of the Committee of the Whole to hear representations from the Yukon and Northwest Territories on the Constitutional Accord. The Task Force, to be composed of eight senators, was authorized to travel to the Territories to take testimony and to report to the Committee of the Whole no later than October 15, 1987.

On June 23, **Earl Hastings** presented the interim report of the Energy and Natural Resources Committee upon the proposed sale of Dome Petroleum Limited with reference to the impact of the sale on Canada. The Committee, while acknowledging the employment benefit to Canadians from the sale, expressed concern about the prospect that a considerable influence over Canada's energy security and economy may come to be outside the country. The Committee's study of the Dome sale was extended by the Senate to March 31, 1988.

On June 30, the Senate agreed to the motion by **Jack Marshall** that the Social Affairs, Science and Technology Committee review its April 15, 1986 Report on the National Film Board Production "The Kid Who Couldn't Miss", the film about Canada's World One flying ace, Billy Bishop. The Senate had agreed in the last session of Parliament to recommit the report with instructions to consider adding a recommendation that the NFB eliminate from the film the unproven allegations against the integrity of Bishop, but the order of reference dated May 26, 1986 had lapsed with the prorogation of the session.

On June 30, **Brenda Robertson** for Senator Tremblay tabled the report of the Social Affairs Committee on Child Benefits which made proposals for a guaranteed family supplement scheme. On August 10, the report of the Special Committee on Terrorism and Public Safety was tabled. Chaired by **William Kelly**, the Committee made a number of observations and recommendations regarding international arrangements, extradition treaties, and intergovernmental arrangements and cooperation.

Gary O'Brien



The final session of the tenth Legislative Assembly of the Northwest Territories ended June 17 with fond farewells, tributes to Commissioner **John Parker** and retiring Members and a flurry of paper and confetti.

During the Session, a motion was passed to dissolve the Assembly and hold a general election October 5.

It would be the last election in the Northwest Territories administered by Elections Canada. A new *NWT Elections Act* passed during the ninth session makes the Government responsible for running territorial elections beginning in 1991.

During the ninth session, a record total of 38 new and amending bills received Assent. Among the legislation approved was the *Motor Vehicles Act* which requires compulsory use of seatbelts.

A series of new legislation dealing with various levels of municipal administration including the *Hamlets Act*, *Settlements Act*, *Charter Communities Act* and *Cities, Towns and Villages Act* was also passed.

Other legislation receiving Assent includes:

- amendments to the *Homeowners' Property Tax Rebate Act* requiring that the rebate be paid directly to the owner and extending the right to rebates to housing co-operatives;
- amendments to the *Insurance Act* increasing the minimum amount of compulsory third party motor vehicle liability insurance;
- the *Local Authorities Elections Act* modernizing and simplifying procedures for elections for municipal governments and allowing the use of aboriginal languages in elections;
- *Maintenance Orders Enforcement Act* providing for automatic enforcement of maintenance orders;
- *Residential Tenancies Act* setting out the rights and obligations of landlords and tenants;
- *Statute Law Amendment Act* amending and repealing several acts to comply with the *Canadian Charter of Rights and Freedoms*; and
- *International Child Abduction Act* adopting for NWT the terms of the in-

ternational convention on child abduction.

Members also passed unanimously a motion protesting the denial of participation by northern representatives at the Constitutional Conference resulting in the Meech Lake Accord.

A motion urging the federal government to renew its share of the financial contributions required to stimulate and develop the economy of the NWT and to negotiate a new economic development policy for the Territories was also carried unanimously.

In proroguing this final Session of the Legislative Assembly, Commissioner John Parker paid tribute to the late Air Marshal **Hugh Campbell**, an appointed Member of the Territorial Council from 1964 to 1975. Air Marshal Campbell died in Ottawa on May 25.

Commissioner Parker also noted, during his speech, that "the Tenth Assembly has seen major advances and has undertaken a tremendous amount of work". In particular, Commissioner Parker pointed out that the Assembly as a whole had elected the Government Leader for the

first time. The Government Leader also was named to the position of Chairman of the Executive Council for the first time at the request of the Tenth Assembly.

The First Session of the Eleventh Assembly is expected to convene in November when newly-elected Members will meet for the first time.

Ann Taylor

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