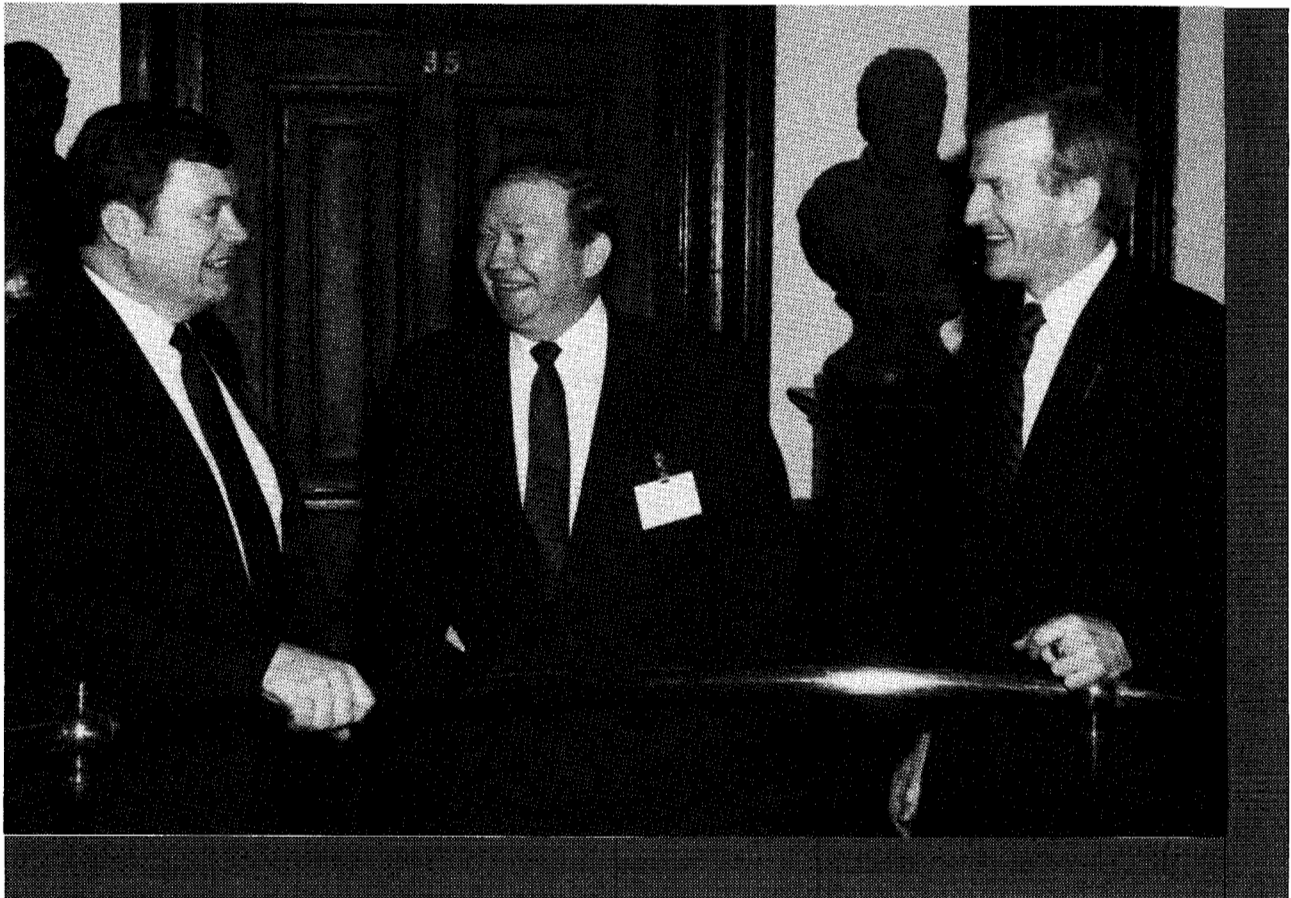# CPA Activities: The Canadian Scene

Fifth Annual Canadian Presiding Officers' Conference

Frank Branch, Speaker Designate of the New Brunswick Legislative Assembly was host to the Fifth Annual Conference of Presiding Officers held in Fredericton from January 29 - February 1, 1988.

Some forty Speakers, Deputy Speakers and Clerks of the various provincial legislatures, the Yukon and Northwest Territories attended the three-day conference along with several observers.

The delegates participated in five working sessions covering such topics as voting procedures, rules of debate, the *sub judice* convention, disciplinary powers of the chair, and the use of unanimous consent

Frank Branch (New Brunswick), John Fraser (Speaker of the House of Commons) and David L. E. Peterson (Clerk of the New Brunswick Legislative Assembly) were among the delegates attending the conference.

and question period. For the first time, papers were presented by table officers.

During the first session, the delegates considered the traditional guidelines Speakers have followed in the casting of a tie-breaking vote notably that: "A Speaker should always vote for further discussion if a bill is not at the final stage. If the vote carries a finality to it, the Speaker should vote against it because decisions of the House must be made by a majority and that majority should not be expressed by, nor made up by, the Speaker's vote. In casting a vote on an amendment to a bill, the Speaker should vote to leave the bill in its existing form to avoid having the Speaker making up the necessary majority". One delegate remarked that Canadian legislatures were notorious for their inconsistency and asked where the uniform tradition had originated. The point was clearly made that while traditions and guidelines existed, there was nothing to stop a Speaker from voting according to his or her conscience or voting the party line. During the course of the discussions, an interesting question was raised: Does a tie-breaking vote by a Speaker against the government amount to a vote of non-confidence?

Maintaining order and decorum in the legislatures was another subject of particular interest to the presiding officers. Television was seen as a big factor in convincing the public that the decorum in our Parliaments is worse today than ever before in the past. The general understanding of what debate is and should be has changed in the public attitude. In his presentation the Clerk of the Saskatchewan Legislature noted that "Canadians of the 1980s have lost the sense of rough and tumble of debate. When the public does see traditional debate in a parliament or legislature with the excitement, noise, interjections and clapping, they are offended and say that the Members are acting like school children. Proper debate was never intended to imitate a classroom where one person is speaking and everyone else is quietly and politely listening." The role for a Speaker is to determine what is good solid debate and what is unruly behaviour.

Much of the discussion centered on the Speaker's power in dealing with disorderly or unparliamentary behaviour on the part of the Members. It was suggested that a Speaker should use the power of naming a Member as the very last resort and that it is a power that should be used rarely if at all. It was also suggested that if a House is large enough, a Speaker may choose not to recognize a member rather than naming him. This may be more difficult but not impossible in a smaller legislature.

There was general consensus among the delegates that the Speaker should not try to assume all responsibility for preserving proper order and decorum in the House; that the Members are responsible for their own actions and accountable to their own electorate and will ultimately be expected to respond with more politeness, honesty and fairness. There was also general agreement that the Speaker's task in preserving decorum can be accomplished more easily if the chair is held in respect.

The informal nature of the discussions, the generous hospitality of Speaker-designate Branch and the excellent papers presented made for a most successful conference.

People

By-elections

The leader of the Newfoundland Liberal Party **Clyde Wells** gained a seat in the legislature by posting a by-election win in Windsor-Buchans. Mr. Wells, a St. John's lawyer chosen to lead the Newfoundland Liberals in June, defeated Conservative and New Democrat candidates.

Clyde Wells

After being selected leader, Mr. Wells, 50, had to wait almost six months for Conservative Premier **Brian Peckford** to call a by-election. The seat was vacated by Liberal **Graham Flight** to give Mr. Wells a chance to enter the House.

During the campaign, the Tories and New Democrats criticized him for being an outsider who had been dropped into the riding. Another major issue in the by-election was unemployment, which averages about 35 per cent in the region's main industries, pulp and paper and mining.

Mr. Wells was Labour Minister for two years under the last Liberal premier, **Joseph Smallwood**, but left the House in 1971 to pursue a career in law.

The riding has voted Liberal since the province entered Confederation in 1949, except in the 1982 general election, when it voted Conservative. All three parties had been campaigning hard to woo the 5,000 voters in the central Newfoundland riding.

Shirley McClellan

A by-election was held on November 23, 1987, to fill a seat in the Alberta Legislative Assembly left vacant by the death of **Henry Kroeger**. The seat was retained for the Progressive Conservative Party by **Shirley McClellan**.

Mrs. McClellan farms with her husband and son at New Brigden, Alberta. For twelve years she was co-ordinator of the Big Country Education Council.

Appointments

On December 29, 1987 Prime Minister **Brian Mulroney** appointed **Gerald Ottenheimer** to the Senate. Mr. Ottenheimer is the first appointment under the provisions of the Meech Lake

Gerald Ottenheimer

Accord which permits provincial governments to submit a list of

names for appointment to vacant seats in the Senate.

Mr. Ottenheimer, 54, was born in St. John's, Newfoundland, studied at universities in Newfoundland, United States, France, Italy and United Kingdom. First elected to the Assembly in 1966 he is a former leader of the Opposition. When the Conservatives came to power he was named to the Cabinet and has held a number of portfolios including Intergovernmental Affairs, Education, Justice, Energy and Labour.

Speaker of the Newfoundland and Labrador House of Assembly from 1975 to 1979, Mr. Ottenheimer, is a former Chairman of the Executive Committee of the Commonwealth Parliamentary Association.

The Speaker of the Northwest Territories Legislative Assembly **Red Pedersen** announced the appointment of **Rhoda Perkison** as Clerk Assistant effective February 4, 1987.

Ms. Perkison has been responsible for interpreting at Legislative Assembly sessions and committee meetings. She has also translated many major pieces of legislation into Inuktitut.

Educated at Churchill, Manitoba and at the Teacher Education Program in Fort Smith, Ms. Perkison was a classroom assistant and teacher in Baker Lake before joining the Language Bureau. She has also trained interpreter and taught Inuktitut as a second language.

The Clerk Assistant, who reports to the Clerk of the Assembly, provides administrative support and procedural advice to the Legislative Assembly, including preparing reports, agenda and minutes of meetings and supervising the research, public affairs and Hansard sections of the Assembly Office. The Clerk Assistant also serves as clerk to several standing and special committees and is responsible for coordinating the running of Territorial elections.

Resignations and Retirements.

In early December the Liberal Member for London South in the Ontario Legislative Assembly announced his resignation from the House. Mr. **Ron Van Horne** was first elected in 1977. He was named to the Ontario Cabinet in 1985 as Minister without portfolio responsible for senior citizen's affairs. He was not returned to the cabinet following the 1987 election and he said he was leaving politics for personal reasons.

On Thursday, December 10, 1987, **James J. Hewitt,** announced his intention of resigning his seat in the British Columbia Legislative Assembly to undertake new responsibilities associated with the Farm Credit Corporation of Canada in Ottawa as Chairman and Chief Executive Officer.

Mr. Hewitt had been a member of the Legislative Assembly since 1975 serving at various times as a Minister of the Crown and chairing several Legislative Committees.

Three members of the Senate have retired recently. Dr. **Fred McGrand, Jean Le Moyne** and **Irvine Barrow.**

Senator McGrand, 92, was appointed by Prime Minister St. Laurent in 1955. A former Speaker of the New Brunswick provincial legislature he also served as Minister of Health in his native province. Appointed to the Senate before the mandatory retirement age of 75 came into effect, Dr. McGrand had been in poor health for some time.

Senator Le Moyne was appointed to the Senate in 1982. A writer, his collection of essays *Convergences* won the Governor General prize in 1962. He worked in the Office of Prime Minister Trudeau from 1969 to 1978.

Shortly after being appointed to the Upper House Senator Le Moyne was elected caucus chairman and over the past five years has participated in many committees and subcomittees of the Upper House including the Task Force on Meech Lake and the Northwest Territories and Yukon. As noted by Speaker **Guy Charbonneau,** "rarely has the Senate benefitted from so great a contribution from so short a time."

Senator Barrow of Nova Scotia was named to the Senate in 1974. An accountant by profession he served on the Internal Economy Committee and other committees and subcommittee during his years in Ottawa.