

# Legislative Reports



**T**he First Session of the Thirty-fourth Parliament resumed on Thursday, November 24, 1987. The Speaker advised the House that, after consultation with each side of the House, he would be permitting public broadcast of the audio portion of the proceedings commencing on that day.

After Oral Question Period the Leader of the Opposition, **Mike Harcourt**, asked leave pursuant to Standing Order 35, to move adjournment of the House to discuss a definite matter of urgent public importance, namely, the privatization of Government Services throughout the Province. On the following day, the Speaker delivered his reserved opinion to the effect that the statement be allowed to qualify under Standing Order 35. Subsequently, the House agreed to a debate on the matter which took place at 4:30 p.m. on Monday, November 30 and concluded one hour later as permitted by Standing Orders.

On December 14, **Dave Mercier**, Chairman of the Select Standing Committee on Economic Development, Transportation and Municipal Affairs tabled in the Legislature the Committee's final report relating to an examination and inquiry into the matter of the *Islands Trust Act*.

On December 15, 1987, **W.B. Strachan**, Minister of Environment and Parks and Government House Leader moved establishment of two committee inquiries. The Select Standing Committee on Labour, Justice and Intergovernmental Relations is to inquire into and make recommendations on the matter of the *Builders Lien Act* with particular reference to the purposes and the continuing relevance of the legislation in today's society; the policy consideration behind the Act; the desirability of repeal or reform to any or all of the provisions within the Act; and the policy directions which would guide any reform in the province.

The Select Standing Committee on Forests and Lands will inquire into, and make recommendations with respect to provisions of timber harvesting contracts between tree farm licensees or forest licensees and contractors and to consider the desirability of a standard timber harvesting contract; the desirability of submitting to arbitration issues between parties to a timber harvesting contract; and in the event that arbitration is recommended, the policy considerations and desirability of providing for the same by legislation or contract.

On the final sitting day before Christmas, the Minister of Finance and Corporate Relations, **M.B. Couvelier** moved that the House authorize the Select Standing Committee on Finance, Crown Corporations and Government Services to examine, inquire into

and make recommendations with respect to the regulation of the financial planning and advisory industry in British Columbia, and to consider the desirability of a regulatory regime to regulate the financial planning and advisory industry; the objectives which regulation of the industry should attempt to accomplish and the principles upon which regulation could be established; the policy considerations inherent in regulating this industry; and alternative approaches which could be used to design a regulatory regime.

This committee will also look into changes in the *Municipal Act* and *Taxation (Rural Area) Act* with regards to property taxation.

Before the House rose for Christmas His Honour the Lieutenant Governor, **Robert G. Rogers**, in Her Majesty's name gave Royal Assent to thirteen Bills ranging in diversity from the *Open Learning Agency Act* to the *Softwood Lumber Products Export Change Compensation Act*. In this session there have been seventy-two government Bills introduced of which nine remain at various stages on the Order Paper; nine Members' Bills of which all remain on the Order Paper; and six Private Bills that have been given Royal Assent.

## New Auditor General

On December 14, 1987 The Special Committee to Appoint an Auditor General presented its report to the

Assembly wherein it recommended **George Morfitt**, of Vancouver to become the Province's next Auditor General. Mr. Morfitt is a Fellow of the Institute of Chartered Accountants of British Columbia and has served in a variety of capacities with public and private sector companies in the province and numerous community and sports associations. Mr. Morfitt succeeds Mrs. Erma Morrison who retired from the position recently.

*Craig James*



Alberta

The Fall sitting of the Alberta Legislature began November 23, 1987 and adjourned December 10, 1987. During the session no new Government legislation was introduced although one major Government resolution was passed and there were several interesting procedural developments.

The Assembly unanimously passed a motion on December 7, authorizing the Constitutional Amendment of 1987; the so-called Meech Lake Accord. The resolution was passed after a great deal of debate and the defeat of two major Opposition amendments to the resolution. In passing the resolution, Alberta became the third province to give the necessary provincial authorization for this amendment of the Constitution Acts. Two days later the Assembly

began debate on a motion supporting the Canada-United States free trade agreement. The motion was discussed for several hours before being adjourned until next session.

Oral Question Period produced many complex situations for the Speaker with regard to questions concerning the collapse of First and Associated Investors, part of the failed Principal financial group. Currently the matter is under investigation by a court-appointed inquiry headed by **William Code**. Under Alberta's Standing Orders (S.O. 23(g) (ii) questions regarding matters before an investigative body may be considered *sub judice*. Mr. Speaker suggested that questions regarding Principal Group be submitted to him in writing in advance so that he could determine if the question appeared to be in order. Some questions were ruled out of order but several questions which did not prejudice the inquiry were permitted.

The Assembly passed a motion to resolve procedural difficulties arising over permitted languages in the Legislature. During the Spring sitting, Speaker **David Carter** had ruled the member for Athabasca-Lac La Biche, **Leo Piquette** out of order for asking a question in French. The Speaker based his ruling on Alberta's Standing Orders and precedent. The matter was referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing which recommended, among other things, that Mr. Piquette should apologize to the Assembly. The matter was resolved when Mr. Piquette, in a statement to the House, clarified that it was not his intention to challenge the authority of the Speaker. The Assembly accepted this in lieu of an official apology which effectively resolved that aspect of

the controversy. The House adopted, on November 27, amendments to the Standing Orders which allow for the use of any language in the Assembly provided that English translations or brief descriptions be made available, and in the case of Oral Question Period, two hours' notice be given in advance. English remains the working language of the Assembly.

On November 23, the member for Calgary-Buffalo, **Sheldon Chumir** made a formal apology to the Assembly for having served Statements of Claim on two members within the precincts of the Assembly while the House was sitting.

On the final day of the sitting, **Edward J. Younie** moved that the Assembly suspend its normal business for an emergency debate regarding the continued construction of the Oldman River dam despite a ruling by Chief Justice Moore delivered on December 9. Mr. Justice Moore ruled that the Department of the Environment had not followed the proper procedures to build the dam bringing into consideration the possibility of certain legal irregularities. After debate on the urgency of the matter, the Speaker ruled that Mr. Younie's request for leave was in order, and with the required 15 or more members in favour of the debate, the Assembly had its first emergency debate since 1980.

*Craig Wood*



**F**ree trade continued to be a dominant issue in the First Session of Ontario's 34th Parliament, as it was during the 1987 fall election campaign. On December 15, just two days before the expected rise for Christmas recess, a series of motions focussed Members' attention on the issue. Holiday plans and precedents were broken as the Legislature unexpectedly continued to debate between Christmas and New Year's.

On Tuesday, 15 December, **Andy Brandt**, Interim Leader of the Progressive Conservative Party, moved that an emergency debate be held on "the need for this House to endorse the proposed Canada-U.S. trade agreement, an agreement which, while fully protecting the sovereignty and unique culture of Canada and the right of this nation to determine and implement its own social and regional development policies, will provide for more secure access to Ontario's most important export market thereby creating enhanced opportunities for economic and employment growth and the reduction of regional disparities both within the Province and throughout the nation." Mr. Brandt's motion was lost on division, 15 to 95, with the Official Opposition New Democrats joining the Liberal Government members to oppose it.

Consumer and Commercial Relations Minister, **Monte Kwinter**, then moved a motion detailing failures and dangers of the proposed trade agreement. The motion stated that "the proposed

trade agreement between Canada and the United States fails to address Canada's needs and goals, while making significant concessions which could prove costly to Canadians". The Government motion faulted the proposed agreement for failing to secure access to the U.S. market for Canadian goods and services and providing no assurance of fairer treatment for Canadian exporters and virtually no relief from U.S. trade laws and regulations.

The agreement would, the motion continued, relinquish our ability to pursue an independent energy policy; significantly reduce our ability to regulate U.S. investment and proposed takeovers of Canadian-owned firms; undercut safeguards for the Canadian auto industry; and threaten the existence of significant sectors of the agriculture and food-processing industries.

It would require the federal government to take "all necessary measures" to implement its provisions, including infringement on the provincial capacity to respond to the needs of Ontario citizens.

In conclusion, the motion declared, "the Legislative Assembly of the Province of Ontario opposes this agreement as detrimental to Canada's sovereignty and economic interests, and will not be bound to implement those aspects which fall under provincial jurisdiction. We urge the Parliament of Canada to reject the agreement."

In the ensuing debate, Official Opposition Leader **Bob Rae** moved an amendment to Mr. Kwinter's motion. In it he urged that the following actions be taken immediately by the Government of Ontario: a constitutional challenge to the agreement in the Supreme Court because of the agreement's infringement on provincial

jurisdiction; a message to the Administration and Congress of the United States expressing our opposition to the free trade agreement; an unequivocal commitment not to legislate, regulate or co-operate in any way to implement the agreement in any area of provincial jurisdiction, whether directly or indirectly; a commitment to take such other political and economic measures within Ontario's powers which would have the effect of blocking the agreement; and a message to the Parliament of Canada urging rejection of the agreement.

After 10 days of debate on the meaning of Canadian nationhood and the implications of free trade, the Government and Progressive Conservative Members defeated Mr. Rae's motion on a vote of 90 to 15 on January 6, 1988. The Government's motion was then carried on division, 79 to 26, over the combined Opposition parties.

### Committees

Standing and Select Committees of the First Session, 34th Parliament, were established in late November and began with organizational briefings or routine business. The distribution of chairmanships, agreed to in advance by the House Leaders and Whips, was according to party representation in the House (10 Liberals, 2 New Democrats and 1 Progressive Conservative). Of 10 Liberal presiding officers, seven were first elected in September 1987.

The Standing Committee on Administration of Justice, chaired by **Robert Callahan**, dealt with the Estimates of the Ministry of Treasury and Economics and the Ministry of Energy. During January and February, the Committee held hearings in Toronto, Windsor, Ottawa, Sudbury, and Thunder Bay

on Bill 2 *An Act to establish the Ontario Automobile Insurance Board and to provide for the Review of Automobile Insurance Rates*. The Bill was reported to the House with certain amendments on February 8 and given Royal Assent on February 10.

The Standing Committee on Finance and Economic Affairs, under the chairmanship **David Cooke** (Kitchener) held 4 weeks of meetings to consider the Canada-U.S. Free Trade Agreement. The Chairman attended a meeting of the American Bar Association on the Agreement in January. During February and March, the Committee scheduled 2 weeks of hearings as part of the pre-Budget consultation process, and to consider tax reform.

Bill 29, *An Act to amend the Municipality of Metropolitan Toronto Act*, was considered by the Standing Committee on General Government during a week of hearings. The Bill provides for the restructuring of the Metropolitan Toronto Council to be composed of thirty-four members, twenty-eight of whom are to be directly elected and the remaining six to be the mayors of the area municipalities.

Provision is made for the election of the metropolitan chairman from among the twenty-eight directly elected metropolitan councillors by all the councillors. Although the mayors will have a vote for the chairman they will not be eligible for election as Chairman. The new Chairman will be a full voting member.

General Government Committee Chairman, **Norah Stoner** reported Bill 29 with amendments to the

Legislature on February 8, and it received third reading the same day.

**Allan McLean**, presided over the Standing Committee on Government Agencies organizational briefings by Committee staff and by officials of Management Board of Cabinet. The Committee scheduled hearings in March to consider the operations of four agencies: Ontario Securities Commission, Pension Commission of Ontario, Civil Service Commission and Ontario Food Terminal Board. The Committee also arranged meetings in Boston, and Washington, for a comparative review of legislative oversight of government agencies in those two American jurisdictions.

**Herbert Epp** presided over consideration by the Standing Committee on the Legislative Assembly of the Government's conflict of interest legislation. After 9 days of Committee hearings in January, the Legislature passed Bill 1, *An Act respecting Conflicts of Interest of Members of the Assembly and the Executive Council*, on February 9 by a vote of 78 to 29. The legislation requires all Members to file an annual statement of assets with a Commissioner, to be appointed by Cabinet on address of the Assembly. The disclosure statement must contain:

(a) a statement of the assets, liabilities and financial interests of the member, the member's spouse and minor children, and private companies as defined in the *Securities Act* controlled by any of them;

(b) a statement of any income the member and the member's spouse and minor children, and private companies as defined in the *Securities Act* controlled by any of

them, have received in the preceding twelve months or are entitled to receive in the next twelve months and the source of the income; and

(c) any other information that is prescribed by the regulations.

The Legislative Assembly Committee also considered and granted requests by the Whipper Watson CAT Scan Campaign, York County Hospital Foundation, and the Wawatay Native Communications Society for use of the ONT PARL satellite transponder.

The Standing Committee on the Ombudsman is chaired by a recently elected member, **Cindy Nicholas**. The Committee spent 2.5 weeks of hearings to consider the 1986-1987 Annual Report of the Ombudsman, and is drafting its 16th Report to the House.

The Committee also met to prepare future hearings on the issue of expansion of the jurisdiction of the Ombudsman. The Committee has agreed to limit the scope of its hearings to expansion in the fields of public hospitals, Children's Aid Societies and the New Home Warranty Program (HUDAC).

The Committee is also planning to travel to Manitoba and New Brunswick to meet with Ombudsman officials and politicians there to discuss the role, function and scope of those Ombudsman operations in the context of expansion of jurisdiction in Ontario.

The Standing Committee on Public Accounts is chaired, according to Standing Order, by a member of the Official Opposition, New Democrat, **Ed Philip**. The Committee early on held organizational briefings by the

Provincial Auditor, **Douglas Archer**, and former Committee Chairman, **Patrick Reid**. A sub-committee travelled to Ottawa to attend the 8th annual conference of the Canadian Comprehensive Auditing Foundation in November. The Committee considered the Estimates of the Office of the Provincial Auditor and, during two weeks of hearings in February, reviewed 9 sections of the 1987 Report of the Provincial Auditor. In March, the Committee met in Ottawa with the Auditor-General of Canada, the Public Accounts Committee and the Comptroller General; and in Washington visited the General Accounting Office.

The Standing Committee on Resource Development chaired by **Floyd Laughren** has been considering the issue of accidents and fatalities in Ontario mines. The review was announced in the Speech from the Throne, given a significant increase in the number of deaths in Ontario mines in 1987.

Until the beginning of March, the Committee received 51 briefs, heard from about 25 groups and individuals and travelled to Hagersville, Goderich, Elliot Lake and Sudbury. It toured mines in each of these locations, as well as Falconbridge's above-ground smelter operation in Sudbury. Further travel is planned to mines in Caledonia, Windsor, Red Lake, Hemlo and Manitouwadge.

**Peter Adams**, Chairman of the Standing Committee on Social Development, presided over the consideration of Estimates of the Ministry of Skills Development and the Office Responsible for Disabled Persons.

A Select Committee on Constitutional Reform was appointed by the House on November 30, 1987, to consider

and report on the 1987 Constitutional Accord and related matters. Under the Chairmanship of **Charles Beer**, the Select Committee held six weeks of hearings in Toronto, London and Ottawa, during February and March. A Report to the House is expected before the end of the spring sitting.

### **Administrative Reorganization**

In December, the Board of Internal Economy approved a major restructuring of the Office of the Assembly. The reorganization eliminated the position of Director of Administration and created two new posts reporting to the Clerk: Controller, and Executive Director of Assembly Services. The latter has responsibility for Information Systems, Information Services, Hansard, Sergeant-at-Arms (administrative functions) and the Food Services branches.

Also established is a Management Advisory Committee to review all matters from the Office of the Assembly for the consideration of the Board and to determine that all pertinent material is available for the benefit of the Board. The Committee is chaired by the Clerk, who reports to the Board. It consists of the Executive Director of the Legislative Library, the Executive Director of Assembly Services, the Controller, and the Speaker as an ex-officio Member.

The reorganization formalizes the advisory role of the Standing Committee on the Legislative Assembly in matters of administration of the House, provision of services and facilities to Members, and security within the Legislative precincts. At least twice a year, or at the request of the Standing Committee, the Clerk as Chairman of the Management Advisory Committee and the

Sergeant-at-Arms are required to report to the Committee on matters within their areas of responsibility.

The Board of Internal Economy also established procedures for filling certain key positions - a process that further enhances the role of the Standing Committee on the Legislative Assembly.

The Speaker, after consultation with the Board of Internal Economy, is to establish the qualifications for the positions of Clerk of the Legislative Assembly, Executive Director of the Legislative Library, Executive Director of Assembly Services, Controller, and the Sergeant-at-Arms.

The Director of Human Resources then advertises for applicants for the positions and receives all applications. The Speaker submits a short list of candidates qualified for the position to a review committee consisting of the Speaker, the Clerk, and a sub-committee of the Standing Committee on the Legislative Assembly, consisting of the Chairman and one representative of each caucus. In the case of recruitment of the Clerk of the Legislative Assembly, the review committee shall consist of the Speaker and a sub-committee of the Standing Committee on the Legislative Assembly, consisting of the Chairman and one representative of each caucus. The review committee then interviews the candidates on the short list and makes a report to the Board of Internal Economy recommending the name of the candidate for appointment to the position.

*Douglas Armott*