

Reports



The first session of the Fifty-First Legislative Assembly of New Brunswick opened Tuesday, March 22, 1988 with all 58 seats occupied by members of the Liberal Party. As their first order of business MLAs elected as their Speaker, **Frank Branch**, a veteran of 17 years in the Legislature.

For the first time in New Brunswick's history, Premier **Frank McKenna** chose to retain the same seat he had occupied as Leader of Her Majesty's Loyal Opposition, to the left of the Speaker.

The newly renovated Chamber, formerly red and gold, has been restored to green and includes a Victorian adaptation wallpaper and Oriental carpet commissioned in the traditional green and grey with terra-cotta accents to complement the newly refurbished Members' chairs and restored chandeliers.

Lieutenant Governor **Gilbert Finn**, delivered his first Speech from the Throne. It proposed the start of major social and economic renewal aimed at long-term projects rather than predicting immediate legislation for change. It promised to publicly scrutinize power rate changes, ensure the independence of the justice system, review provincial policing services, make higher education more accessible and conduct public hearings on the *Constitution Amendment, 1987*.

Finance Minister **Allan Maher** delivered the budget Wednesday, April 6, 1988 calling it an Agenda for Change. Described as a moderation budget aimed at reducing the deficit, it promised to introduce a comprehensive Economic Development Strategy later in the year. The biggest spending initiative, job creation and economic development, will be offset by increases in personal income tax, sales tax on cigarettes and corporation taxes. While extending tax breaks to seniors, farmers and the physically disabled, the budget reduced educational supplies spending, eliminated civil legal aid and stressed completion of schools and hospitals now under construction rather than introduction of new projects.

The government adjourned for one day following both the throne and budget speeches in order to allow greater media exposure of the views of registered political parties without encroachment by government statements.

Amendments to the Standing Rules permit the House to meet at 2:30 p.m. on Tuesday and at 8:30 a.m. on Wednesday, Thursday and Friday to allow the committees to sit in the afternoons. Another change allows a member other than a Minister of the Crown to make a statement for not more than one and one-half minutes, thus allowing backbenchers another outlet for putting their concerns on the public record.

During Question Period in the all-government House,

backbenchers followed a practice of not tipping off Ministers in advance of their questions. On the other hand, they appeared to be trying not to intentionally embarrass Ministers.

Because other political parties did not elect representatives to the Legislature and are compelled to observe from the gallery, the government chose a program to make the legislative process more open and accessible to the general public. After examining the estimates, department by department, on the floor of the House in the Committee of Supply, the departmental estimates are referred to the Standing Committee on Estimates where representatives of the Progressive Conservative and New Democratic Parties can make a statement or express their concerns. Following that procedure, the estimates are referred back to the floor of the House until such time as they are closed. An ex-officio non voting member is now appointed to the Standing Committee on Legislative Administration. The government also intends to refer significant legislation to the Standing Committee on Law Amendments.

The unofficial opposition is allowed to participate in Public Accounts Committee hearings by means of written inquiries as well as oral presentations to the Committee. Representatives of registered political parties are permitted to take notes in the Legislative Assembly, in seats normally occupied by the Press Gallery.

For the first time, proceedings in the Legislative Chamber beginning with the Speaker's procession and Prayers until the daily adjournment of the Assembly are being televised. A local cable company installed two television cameras in the legislature to film proceedings. Although it does not have the capacity to broadcast live as is done in the House of Commons, it will send tapes by courier to any New Brunswick cable company desiring coverage.

After 17 sitting days, only ten debatable motions had been introduced. By contrast, after 17 sitting days in 1987, a total of 57 motions and 31 Bills had been introduced. This year only 27 Bills had been introduced in the House, one of which was referred to the Law Amendments Committee.

Last fall the government divided the Justice Department into the Department of Justice and the Department of the Solicitor General. Bill 16, *An Act to Amend the Executive Council Act*, which is now before the Committee of the Whole House, spells out the rights and responsibilities of the Solicitor General and transfers to him the powers and responsibilities of the Minister of Justice with respect to the *Compensation for Victims of Crime Act*, the *Coroners Act*, the *Corrections Act*, the *Custody and Detention of Young Persons Act*, and the *Motor Vehicle Act*. Bill 11, *An Act to Amend the Auditor General Act*, which is now before the Law Amendments Committee, gives the Auditor General authority to examine the books of the New Brunswick Electric Power Commission and the Workers' Compensation Board as well as to perform value-for-money auditing.

With few major pieces of legislation on the order and notice paper and committees completing their agendas in a methodical manner, speculation abounds that this will be a short session and,

rather than be prorogued, it may be adjourned to a date in the fall.

Diane Taylor Myles



The Legislative Assembly of the Northwest Territories prorogued April 18 after a record 39-day budget session.

During the longest session in the history of the Assembly, MLAs approved the government's \$798.5 million budget, the transfer of responsibility for health care from the federal to territorial government and the purchase of the Northern Canada Power Commission.

In introducing the budget, Minister of Finance **Michael Ballantyne** called it a restraint budget. "This is achieved through an across-the-board control of new program initiatives and efforts by all departments to identify savings", he noted in his address.

"The government recognizes that the budget falls short of addressing all capital and program needs. Meeting these needs is a daunting task which will require time and substantially increased funding from the federal government", Mr. Ballantyne added.

In opening this second session of the Eleventh Assembly, Commissioner **John Parker** acknowledged that the budget reflected some "some tough choices your government has had to make in a difficult fiscal environment".

"We must learn to live reasonably close to our means, avoid undue taxation and continue to support the private sector which will be the source of jobs in the future", the Commissioner said.

Several contentious items prolonged discussion of the budget. Proposals to reduce funding to non-native post-secondary students and to raise the student/teacher ratios in public schools were both dropped from the Department of Education's budget after members objected.

There was considerable controversy over plans announced by Minister of Social Services Jeannie Marie-Jewell to move a \$1.7 million Young Offenders' facility from Yellowknife to her home riding of Fort Smith. Despite opposition from several members, the government motion to fund the move was approved.

During discussion of the health transfer, Minister of Personnel **Gordon Wray** was criticized by Members concerned about problems with federal employees who had received delayed or incorrect job offers from the Territorial government. Many of the nurses had also refused to sign their contract offers because of a battle over union jurisdiction. Although the deadline for signing the offers had to be extended, most federal employees eventually agreed to the transfer.

After years of negotiation, Minister of Energy **Nellie Cournoyea** was able to announce the acquisition of the Northern Canada Power Corporation by the Territorial government at a cost of \$53 million. During the session, members approved a motion appointing six members to the Power Corporation's board of directors.

Although the government was forced, for the first time in history, to introduce a bill to approve interim appropriations for the public service when consideration of the budget was not completed by April 1, the budget did eventually receive the Assembly's approval.

Early in the session, members affirmed their opposition to the

Meech Lake Agreement by appointing two representatives to appear at hearings in Ontario into the agreement and inform the people of Ontario and Canada "of the hasty and unconscionable decision taken at Meech Lake which removed the people of Yukon and the Northwest Territories from participation as equals and partners in the Canadian Confederation".

Among the 25 bills passed during the session were:

- amendments to the *Legislative Assembly and Executive Council Act* increasing members' indemnities and allowances and providing an automatic indemnity for constituency work;
- the *Labour Standards Act*, reducing the standard hours of work to 40 and increasing the maximum hours of work to 60 weekly;
- the *Liquor Act*, providing for prohibition or restriction of liquor in certain communities; reducing the minimum alcohol content of an intoxicating preparation; and prohibiting liquor stores from selling alcohol to people under the influence of alcohol or drugs;
- the *Northwest Territories Public Service Association Act*, changing the name of the Association to the Union of Northern Workers';
- the *Northwest Territories Energy Corporation Act* which changes the Corporation's name to the Northwest Territories Power Corporation; provides that the president is not the chairperson of the board of directors; provides that the corporation will be operated as a fully integrated power corporation; provides that employees of the corporation are public servants; and, provides for the capital structure of the corporation;

- the *Fire Prevention Act*, increasing the Fire Marshal's powers of investigating fires and structures that pose a threat to public safety and increasing the amounts of fines;
- amendments to the *Judicature Act* increasing the number of judges of the Supreme Court of the Northwest Territories from two to three; and,
- a provision in the *Public Service Act* providing for payments of union membership fees to a charitable organization if an employee objects to these deductions on religious grounds.

The Assembly also approved the terms of reference for its newly-established Special Committee on the Northern Economy. This committee will inquire into current problems and public concerns related to a viable northern economy and the development of an economic strategy and plan for the Northwest Territories. The Special Committee will present interim reports to the Legislative Assembly from time to time and prepare a final report for the fall sitting of 1989.

Assembly Installs Braille System

A special computer program and printer capable of producing documents in braille was installed recently in the Legislative Assembly to assist **Charlie Crowe** MLA for Hudson Bay. Mr. Crowe will now be able to receive braille copies of most documents and correspondence prepared for other members. The software, called Hot DOTS enables Legislative staff to convert any document on a micro-computer into a format that uses both letters and symbols to represent various combinations of raised dots. The program is produced by Raised Dot computing Inc. of Madison, Wisconsin and the printer, an MSBOSS-1 is manufactured by VTEK of Santa Monica, California. A letter

prepared on a computer can be converted into braille in less than ten minutes.

The Speaker of the Assembly, **Red Pedersen** noted that "it has been a priority of the Legislative Assembly to provide these services to Mr. Crowe in order to assist him as much as possible in carrying out his duties as an MLA."

The Fall session of the Assembly begins Wednesday, October 12, 1988 in Yellowknife.

Ann Taylor



The Spring sitting of the Third Session of the 21st Legislature opened on March 17, 1988, with the Speech from the Throne by the Lieutenant-Governor, **Helen Hunley**.

The 1988-89 Budget Address was presented on March 24 by **Dick Johnston**, Provincial Treasurer. The subsequent debate filled the maximum 25 days as allowed under Alberta Standing Order 58 (1).

The first bill of this session, introduced March 17, was the *Premier's Council on the Status of Persons with Disabilities Act*, sponsored by Premier **Donald Getty**. Other government bills expected to receive significant attention are the *Employment Standards Code*, the *Labour Relations Code*, the *School Act*, the *Workers' Compensation Amendment Act*, and the *Motor Vehicle Administration Amendment Act*.

The two pieces of labour legislation are a result of extensive study of labour legislation around

the world and are designed to address concerns raised by labour and management. The new *School Act*, if passed, will completely replace the previous law which had been in effect for several decades. The *Workers' Compensation Amendment Act* is designed to separate the appellate and administrative duties of the current board into two distinct sections. The *Motor Vehicle Administration Amendment Act* is intended to increase the penalties for impaired driving and driving while suspended. It also would give courts the authority to impound or immobilize vehicles.

The *Interprovincial Lottery Amendment Act*, sponsored by the Government, is one bill which has been vigorously debated. Responding to suggestions made by the Auditor General, this bill would formally allow lottery proceeds to remain outside the General Revenue Fund of the province.

There have been a record number of Private Members' Bills introduced in the House, 29 sponsored by Opposition members and 9 by Government Members. In addition, 55 Motions other than Government Motions have appeared on the Order Paper.

Oral Question Period has produced several complex situations for Speaker **David Carter** regarding repetition and proposed legislation. On numerous occasions the Speaker has voiced concern over the repetitive nature of questions. His response has taken the form of admonition rather than any formal ruling. Another issue arose over admissibility of questions about legislation currently before the House. There was some uncertainty as to whether Question Period is an appropriate forum for discussion of legislation coming up for second reading. The Speaker's ruling on this matter was that questions are admissible if the bills involved have not yet reached

debate on second reading. Furthermore, the questions should be confined to general policy of the government, thereby avoiding the clause by clause examination reserved for Committee of the Whole.

In the wake of the Supreme Court of Canada's decision on the *Mercure* case, the Government has announced its intention to address formally, through legislation, the French language issue within Alberta during the current session. The Premier stated in Question Period on May 17 that future legislation will provide an opportunity to preserve the rights of Francophone Albertans but will not alter the fundamental nature of Alberta. The Premier stated that the Government would not accept full bilingualism for Alberta.

Kathryn Lee Mellen



The First Session of the Thirty-fourth Parliament resumed sitting on Tuesday, February 23, 1988 at two o'clock p.m. with a matter of privilege being raised by **Munmohan Sihota** (Esquimalt-Port Renfrew). He referred to statements made earlier in the House about the Coquihalla Highway Project to the effect that Members had been deliberately misled.

This issue has permeated most levels of debate in the House and the Select Standing Committee on Public Accounts since February 23.

Speech from the Throne

The Legislative Assembly was prorogued on Friday, March 11, by the Lieutenant Governor **Robert**

Gordon Rogers who reviewed His government's accomplishments during the First Session.

On Tuesday, March 15, the Second Session of the Thirty-fourth Parliament commenced with the Speech from the Throne. It referred to the restructuring of government involving a "careful but bold program of privatization", "a program of regional development" to increase public participation at the community level; a "long term strategic plan for the Province"; and the creation of an investment climate compatible with the "growing economies of the Pacific Rim". The objective, it was revealed, is for the government to "become more efficient, accountable and affordable."

His Honour reported that the Assembly will have a variety of trade opportunities legislation placed before it in an attempt to foster closer economic ties with, in particular, the northwestern United States. He also alluded to inequities incurred by British Columbia as a result of its participation in Canadian Confederation and the intention of His government to remedy the situation. The government, aware of rising health care costs is to "initiate and spearhead a pilot project involving ... a focus on new strategies, new techniques and new ways of delivering health care, particularly to senior citizens, through a community-based, integrated delivery system." The cross-government coordination of substance abuse in the Province; promotion of a Family Life program; and delivery of income assistance were according to the Lieutenant Governor other matters the government would deal with during the Second Session.

Numerous other measures were being proposed for adoption by the Assembly ranging from mandatory safety inspections of vehicles; computerized registry of organ

donors; and legislation reflecting The government's decentralization plan to improving the justice system "so that it is more relevant, accessible, efficient and less costly", ensuring reforestation of harvested areas and the endorsement of the Meech Lake Agreement.

Budget Debate

On Thursday, March 24, 1988 **M.B. Couvelier**, Minister of Finance and Corporate Relations, presented the Government's second budget of the Thirty-fourth Parliament to the Legislative Assembly.

For fiscal year 1988-89 taxation revenue would rise to \$6.59 billion from \$6.15 billion for FY 1987-88 or a 7.2% increase; natural resource revenue would rise 3.7% to \$1.21 billion; other revenue would contribute \$1.208 billion – up 20%; contributions from government enterprises would produce \$448 million – up 1.8%; and contributions from the federal government would amount to \$2.108 billion – up 4.7%. Total revenue was predicted to be \$11.564 billion – up 7.4%. A transfer to the Budget Stabilization Fund of \$124 million meant that the government would have \$11.44 billion with which to meet its fiscal year 1988-89 expenses.

By contrast, expenditure for all government ministries is predicted to be \$10.9734 billion; the Legislative Assembly, \$16.6 million; management of the public debt, \$605 million; contingencies, \$50 million; new programs, \$90 million; appropriations for crown land, \$20 million and lotteries, \$80.5 million. Total general fund expenditure is set at \$11.835 billion or a 6.4% increase over fiscal year 1987-88. Net borrowing for government purposes is expected to be \$191 million. Crown corporation net borrowing is estimated at \$216 million. The government mentioned

that it is considering a British Columbia savings bond issue in an effort to meet its borrowing requirements.

The Minister of Finance and Corporate Relations revealed two new funds that would be established to reduce the public debt, stabilize revenue and contribute to the elimination of the deficit: the Budget Stabilization Fund and the Privatization Benefits Fund.

According to the Minister these vehicles would be the most sensible way to cushion the public and the Treasury against unforeseen calamities.

The Opposition Finance Critic, **David Stupich** (First Member for Nanaimo) characterized the budget as failing to live up to the pre-election promises of the government and contributing to the demise of public confidence.

Committees

On Friday, March 18, 1988 the Special Committee of Selection reported to the House lists of Members for the ten Select Standing Committees of the Legislative Assembly. No previous selection committee in any session of the Assembly had dispatched its business with such speed – a mere three days after being appointed on Opening Day. In British Columbia, committees are struck for the life of a session only.

On the same day, W.B. Strachan, Government House Leader moved that the Select Standing Committee on Forests and Lands, chaired by **Graham Bruce**, review timber harvesting contracts – an issue the committee's predecessor had begun to consider during the First Session. Public hearings have been held in Cowichan Bay, Kamloops, Prince Rupert, Nelson, Prince George, Williams Lake and Vancouver.

On March 22, 1988 the Legislative Assembly referred the matter of the financial planning and

advisory industry in the Province to the Select Standing Committee on Finance, Crown Corporations and Government Services, chaired by **Bud Smith**. During the spring sittings of the House this Committee conducted its meetings in the Douglas Fir Committee Room in the Parliament Buildings. The months of May and June have, so far, been set aside for receiving written submissions and oral presentations from anyone interested in the issue. Again, this Committee is continuing an examination into a matter which was begun by its predecessor during the First Session. The Committee expects to hold public hearings outside Victoria after the House rises for the summer.

On Wednesday, March 23, 1988 the Legislative Assembly referred the *Builders Lien Act* to the Select Standing Committee on Labour, Justice and Intergovernmental Relations chaired by Ms. **Kim Campbell**. After receiving a briefing on the *Act* by **Arthur Close**, Chairman of the Law Reform Commission of British Columbia and Bob Ward, a lawyer from Vancouver specializing in the *Act*, the Committee turned its mind to hearings in Victoria throughout May and June. The Committee is anticipating public hearings outside Victoria after June. Given the effect of prorogation upon committees, this matter was referred to the Committee in an effort to continue the review of the *Builders Lien Act* begun during the First Session.

On Monday, March 7, 1988 the Standing Committee on the Legislative Assembly of Ontario, chaired by **Herb Epp**, visited Victoria to review the renovation and restoration of the Parliament Buildings undertaken since the early 1970's. The agenda consisted of discussions with **Doug Pletsch** of the British Columbia Buildings Corporations, charged with the responsibility of maintaining and

renovating the Buildings upon the recommendation of the Speaker; **Alan Hodgson**, a Victoria architect engaged in the restoration process of the Parliament Buildings and knowledgeable in the architectural history of the Buildings; Members of the Legislative Assembly generally; and other Officers of the House and officials.

Other Issues

Following the Supreme Court ruling respecting abortion the predominant feature of Oral Question Period, the Address in Reply, and the Budget Debate (especially as it related to the Department of Health) was questions arising out of the Province's position vis-a-vis the federal decision. The issue was a live one throughout the Spring proceedings.

The federal free trade agreement has provoked much discussion in the House. Considering its economic impact on the Province, all Members are expected to join the debate.

The government appears committed to divesting itself of businesses it believes are more appropriately undertaken by and through the private sector. Mindful of privatization developments elsewhere in Canada, Britain and the United States, the Legislative Assembly has debated the privatization of the Distribution Branch of the Queen's Printer, the highways maintenance division of the Ministry of Highways and Transportation and other segments of provincially owned and operated enterprises.

Poet's Corner

John Cashore, M.L.A. (Maillardville-Coquitlam) circulated to Members and staff of the Legislative Assembly a poem entitled "A Spring Limerick". Mr.

Cashore intends to establish a tradition of "sessional" limericks:

A Spring Limerick

A yearly occurrence in Spring
It's a strange and inscrutable thing
Sixty-nine politicians
not without inhibitions
their partisan posturings bring.

They converge on the Parliament grounds
where hyperbolic debate knows no bounds
And the capital city
hosts the dull and the witty
while the polls chart the ups and the downs.

It's a comical opera to see
Each side greets the other with glee
Then a strange tribal rite
done with humour and spite
calls the Speaker for order to plea.

Victoria's not always that way
By mid-summer they don't want to stay
But Mayor Brewin won't care
for the tourists will be there
better spenders when the time comes to pay.

Craig James



The Spring Session has been filled with procedural surprises, principally the result of the introduction of Bill 113, *An Act to amend the Retail Business Holidays Act*. This bill permits municipalities to pass by-laws allowing retail business establishments to be open or closed on holidays and open on Sundays if they always close on

another day of the week by reason of the owner's religion.

On Wednesday, April 13, the opposition parties joined together to delay the introduction and first reading of the Bill by presenting petitions for the whole day; this was repeated on Thursday. This procedure prevented the House from proceeding to Introduction of Bills and then to Orders of the Day. This was the first time that such a tactic had been used at the Ontario Legislature.

The following Monday, the New Democratic party members continued to present petitions to prevent the introduction and first reading of the legislation. This same procedure was followed on Tuesday and Wednesday. At 4:00 p.m. on Wednesday, April 20, the time at which the Treasurer and Minister of Economics had announced he would present his Budget to the House, the New Democrats were still presenting petitions. The Treasurer, **Robert Nixon**, asked for unanimous consent to present the Budget. Such consent was refused. The Treasurer then presented the text of the Budget and the budget papers pursuant to S.O. 35(d) which states that "Reports, returns and other documents required to be laid before the House by any Act of the Assembly or under any Standing Order or Resolution of the House, or that any minister wishes to present to the House, may be deposited with the Clerk of the House ...". Members of the Official Opposition continued to present petitions for the balance of the day. This was the first time that a Budget had been presented in Ontario without a speech from the Treasurer in the House. It also meant that the motion, "That this House approves in general the budgetary policy of the government," was not moved.

On Thursday, the presentation of petitions came to a sudden halt at

5:10 p.m. and the House proceeded to "Introduction of Bills". The Solicitor General, **Joan Smith**, moved introduction and first reading of the Bill and a recorded division was required by members. The division bells rang from 5:12 p.m. on Thursday until 4:00 p.m. the next afternoon when the Speaker, **Hugh Edighoffer**, stood in the House and indicated that he had been advised by representatives of all three parties in the House that no vote would be taken before 8:30 a.m. on Monday, April 25. Therefore, the Speaker suspended the sitting and the bells were deemed to be ringing until the sitting resumed at 8:30 a.m. on the following Monday.

On Monday, April 25, at 1:10 p.m., the division was taken on the introduction and first reading of Bill 113. The House then adjourned at 1:18 p.m. and a new Sessional day began at 1:30 p.m. During the period when the division bells were ringing there continued to be a Speaker in the Chair, a Clerk at the Table and a Sergeant-at-Arms and security personnel present in the Chamber.

Committees

The Standing Committee on Social Development has been dealing with education issues. The Committee concluded its work on Bill 125, *An Act to amend the Education Act* and certain other Acts related to Education, and reported the Bill back to the House with amendments. Currently, Bill 109, *An Act to establish a French-language School Board for the Regional Municipality of Ottawa-Carleton*, is before the Committee for public hearings and clause by clause consideration. The Committee will be travelling to Ottawa to hold hearings on this legislation.

The annual review of the Annual Report of the Ombudsman is being conducted by the Standing

Committee on the Ombudsman and the Committee expects to present its report before the end of the Session.

The Standing Committee on Resources Development continued its inquiry into the issue of accidents and fatalities in Ontario mines. The Committee has received over 80 briefs and submissions and has heard oral submissions from 62 groups and individuals. In addition, the Committee conducted underground tours of mines in Hagersville, Goderich, Elliot Lake, Sudbury, Caledonia, Windsor, Timmins, Balmertown, Hemlo and Manitouwadge. It is expected that the Committee's report will be presented to the House before the Session ends.

On February 12 the Select Committee on Energy was established and **Doug Carrothers** was appointed Chairman. The Committee will conduct hearings during the Summer Adjournment to investigate the affairs of Ontario Hydro.

The Standing Committee on Regulations and Private Bills met during the Winter Adjournment to discuss the regulatory process in Ontario. The Committee heard presentations from academics, people involved in the regulatory process at the Parliament of Canada and from individuals interested in the process of notice and comment. The Committee expects to present its report shortly.

The Standing Committee on Finance and Economic Affairs met in February to consider and subsequently presented a report on the Pre-Budget Consultation summary of recommendations. Currently, the Committee is conducting hearings on the Free Trade Agreement and anticipates that its consideration of this matter will be completed in July.

The Select Committee on Education was established February 12 and is chaired by **Dianne Poole**.

The Committee will review the education philosophy in Ontario and the fundamental goals as they relate to the equal life chances and full development of each student. Later the committee will address the specifics of the education process relating to streaming, grade promotion, semestering and OSIS (Ontario Schools: Intermediate and Senior).

In March, the Standing Committee on the Legislative Assembly attended meetings of the National Conference of State Legislatures in Sacramento, California. While in Sacramento, the Committee reviewed the restoration and renovation of the State Capitol building.

The Committee also travelled to Victoria, British Columbia, to review the restoration of the Parliament Building and the rules of the Legislative Assembly of British Columbia.

The Committee also conducted the second annual review of the television broadcast service, and considered the need for interpretation facilities in committee rooms and bilingual committee advertising.

The Standing Committee on the Legislative Assembly presented a report to the House to prohibit the service of legal process in the Legislative Building and in other defined areas. The Chairman of the Committee, **Herb Epp**, subsequently moved first reading of Bill 112, *An Act to amend the Legislative Assembly Act*, which would provide for the prohibition respecting service of process. This was the first time that a committee chairman has introduced legislation at a committee's request to give effect to a committee's recommendations.

At the end of March, the Deputy Minister and other senior officials of the Ministry of Government Services gave evidence before the Committee on postal services to

members. The Minister of Government Services, **Richard Patten**, and the Speaker appeared to discuss the restoration and renovation of the Legislative Building and the transfer of jurisdiction over the Legislative Building from the Minister of Government Services to the Speaker.

The Committee considered the use of party names and colours during an election period. **Warren R. Bailie**, Chief Election Officer, gave evidence on this matter and will appear before the Committee at a later date to deal further with it. In April, the Committee reviewed its obligations under the *Freedom of Information and Protection of Privacy Act, 1987*. The Committee heard evidence from **Murray Elston**, Chairman of the Management Board of Cabinet, as well as the Information and Privacy Commissioner, **Sidney Linden**.

A Sub-committee on Staff Appointments was appointed to meet with the Speaker and the Clerk to interview candidates for the new position of Executive Director of Assembly Services and to recommend to the Board of Internal Economy a suitable candidate for appointment.

Lynn Mellor



On March 8, 1988, the NDP Government of Howard Pawley was defeated on a motion "that this House approve in general the budgetary policy of the Government."

The specific item on which the Government was defeated was the opposition non-confidence amendment to this motion. It was

carried on a recorded vote of 28 Yeas, 27 Nays when former Speaker **James Walding** voted with the opposition to defeat the Government. An election was held on April 26, 1988, for complete results see page 50 of this issue.

The Speaker-designate is **Denis C. Rocan**, the MLA for Turtle Mountain, first elected in 1986.

W. H. Remnant



The Fifth Session of the Twenty-sixth Legislative Assembly opened in Dawson City on March 23. The sittings on March 23 and 24 took place in the old Territorial Administration Building in the chambers used by Yukon Councils from just after the turn of the century until 1953 when the capital was moved from Dawson City to Whitehorse. The Assembly last sat there in June, 1977, for one day to mark the Diamond Jubilee of Dawson City.

In the Speech from the Throne, delivered by Commissioner **Ken McKinnon**, the Government reviewed the economic performance of the Yukon during its term in office (highest growth rate in Canada three years in a row) and then stated "We must not let our present good health distract us from the challenge of maintaining it. We must continue to diversify and strengthen our economy. We must plan for sustainable growth and greater self-reliance. And we must use our new economic means to continue building a more just and more equitable society."

Much of the remainder of the Throne Speech highlighted those actions the Government would be

taking in pursuit of its stated goals. These included the tabling of a Yukon economic strategy resulting from a public participation process called Yukon 2000; acting on many of the ideas found in that strategy; implementing new and continuing existing economic support programs; centering on community development of schools, training, childcare and housing; opening the new Yukon College and bringing forward legislation to ensure public participation in the operation of the college.

The Throne Speech also highlighted land claims and constitutional development. Aboriginal land claims were described as "the most urgent public issue facing the Yukon" and the Government stated "We are confident of major progress this year."

On constitutional development the speech noted that the Meech Lake Accord showed "We cannot count on other, southern forces to protect our interests," and the Government committed itself to continuing to "oppose those sections of the Accord which undermine what we in the North have accomplished and what we hope to accomplish."

On March 28, the Government Leader, **Tony Penikett**, presented the 1988-89 operations and maintenance budget to the Assembly. In his budget speech Mr. Penikett emphasized prudent financial management as being at the core of his approach, pointing out that it was a balanced budget, that there were no tax increases needed and that the total government expenditures of \$302 million (both capital and O & M) were slightly below those forecast for 1987-88.

The Leader of the Official Opposition, **Willard Phelps**, described the budget as being an "election year budget" proposed by a government "out of control." He

was critical of the dominance of government in the Yukon economy and stated "What we have is uncontrolled government growth, untrustworthy estimates, uncontrolled management and spending, a vague, almost invisible agenda, and the lack of any vision for the future of this great region of Canada."

During the course of the session nineteen bills were passed, five of which were budget-related. Major legislation included the *College Act* and the *Languages Act*. The former created a Yukon College board of governors to oversee the day-to-day operations of the College "at arms length" from the Government. Community campus committees (which advise local campuses on courses and programs to be offered in communities outside Whitehorse), Indian bands and Yukon College students and staff are guaranteed representation on the board.

The *Languages Act* was introduced near the end of the session as the result of an agreement reached on April 28 between the Governments of Canada and the Yukon on the protection and enhancement of French and the aboriginal languages in the Yukon. The central provisions of the legislation provide:

- (1) The right to use English, French or a Yukon aboriginal language in the Yukon Legislative Assembly or in any court established by the Assembly;
- (2) That Acts of the Yukon Legislative Assembly and regulations made thereunder shall be printed and published in English and French and that both language versions are equally authoritative; and
- (3) That "Any member of the public in the Yukon has the right to communicate with, and to receive available services from,

any head or central office of an institution of the Legislative Assembly or of the Government of the Yukon in English or French, and has the same right with respect to any other office of any such institution where

(a) there is significant demand for communications with and services from that office in both English and French, or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be in both English and French." [Subsection 6(1)]

The agreement between the two governments also included commitments by the federal government of (1) \$4.25 million over five years for the preservation and development of aboriginal languages, (2) full federal funding on an ongoing and on an "as needed" basis for the development, enhancement and implementation of French language rights and services in the Yukon, and (3) exclusion of the Yukon Government and its institutions from the provisions of the *Official Languages Act*.

Although the opposition parties supported the agreement and resultant legislation concerns were raised on two points – the lack of commitment by the federal government to fund aboriginal language services beyond five years and the potential for subsection 6(1) of the *Languages Act* to be misinterpreted by the courts in a way which would inflict official bilingualism on the Yukon. Mr. Penikett responded that he was "absolutely convinced that the commitment of the federal government to the enhancement of aboriginal languages ... is not a commitment for only five years; the commitment ..., it has been made very clear to us, is ongoing." On the second concern he stated: "We

have got an agreement and a law, which does not provide for official bilingualism. It avoids the question of the status of the language, and concentrates on services to both the aboriginal community and the francophone community."

Also of note was the passage of a private member's public bill, the first such occurrence in over a decade. The legislation, entitled *An Act to Amend the Highways Act*, was introduced by **Art Webster**, Member for Klondike, and makes the depositing of litter on Yukon highways a punishable offence (to a maximum of \$500).

On May 17, the House debated the 1988 report of the Standing Committee on Public Accounts. During two weeks of hearings in January, the Committee conducted an intensive examination of the Government's capital project management. The Committee concluded that, in many cases, capital projects were out of control as a result of management-by-omission and management-by-dilemma.

During debate on the motion for concurrence the Chairman of the Committee, **Willard Phelps**, said that emphasis must be placed on the preliminary or front-end planning of all projects and that the roles, responsibilities and accountabilities of all key players must be clearly defined. He stressed the desire of the Committee that improvements in the project management system should have as their goal increased economy, efficiency and effectiveness in the expenditure of public dollars.

In responding to the Chairman's remarks and the report of the Committee, the Ministers most directly involved with project management **Roger Kimmerly**, Minister of Government Services, and **Piers McDonald**, Minister of Education and of Community and Transportation Services, agreed with the main thrust of the report

but also stated that they had already considered and taken action on several of the Committee's 17 recommendations.

Some of the strongest language of the session was devoted to a unanimous condemnation of a British Government program which would require the labelling of furs from trapped animals. Debate on the matter took place during consideration of a motion by **Bill Brewster**, Member for Kluane, that: "this House recognizes the importance of the trapping industry to the economy of Yukon and to traditional Yukon lifestyles; and That this House urges the Government and Parliament of the United Kingdom to cancel the proposed Fur Labelling Program which could seriously harm the livelihood of Yukon trappers." Mr. Brewster contended that "The trapping industry in the Yukon and all across Canada is under attack ... by a bunch of conservationist fanatics."

Government members supported Mr. Brewster's motion without reservation. **Dave Porter**, Minister of Renewable Resources, accused the British Minister responsible for the program of "joining the legions of the uninformed [and], in doing so, ... ensuring that the sale of such fur will be the direct target of attack by the lobbyists, with their slick TV ads and Madison Avenue brochures, oozing self-righteousness through their designer sweaters and calfskin loafers while their emotional blitzkrieg tactics destroy livelihoods, stress families, break the bonds between generations and strangle cultures of the northern people."

The Fifth Session of the 26th Legislative Assembly was adjourned on May 18 after thirty-two sitting days.

Patrick Michael



The Second Session of the Twenty-first Legislature was opened on March 21, with the Speech from the Throne given by Lieutenant Governor **F. W. Johnson**. The debate which followed dealt with the Government's position on free trade, diversification, health and education programmes and privatization of some crown corporations and certain Government operations. The Throne Speech outlined the establishment of the Department of Public Participation which is to co-ordinate government policy on providing opportunities for public investment in crown entities. The Throne Speech noted the 25th anniversary of Medicare in Saskatchewan and announced a task force to review health services and draft a long-term plan for the provision and financing of health care.

The budget of Finance Minister, the **Gary Lane**, followed immediately after debate on the Speech from the Throne.

A Supreme Court Ruling in February has had a major impact on this Session of the Assembly. The court's ruling on the *Mercure* case declared that section 110 of the 1891 *North-West Territories Act* which provided for the use of French and English in the Territorial Legislature and courts is still in force.

As a result all statutes passed since the establishment of Saskatchewan in 1905 are deemed to be invalid because they had been enacted and published in English only. The Court also indicated that because the language provision had not been entrenched in the

Saskatchewan Act, the Provincial Legislature could itself legislate changes to the territorial provision.

The Government responded to the Court Ruling with Bill 2, *An Act respecting the Use of the French and English Languages in Saskatchewan* introduced on April 4, by the **Bob Andrew**, Minister of Justice. The Bill provided that any person may use French or English in proceedings before the courts and in the debates of the Legislative Assembly. Bill 2 further provided that the Acts and Regulations may be enacted, printed and published either in English only or in French and English. All previous English-only statutes, records and Journals are deemed valid. The Lieutenant Governor in Council is authorized to designate which government bills would be enacted in both languages and which existing statutes would be re-enacted in both French and English. Private Members can determine for themselves whether their Bills will be in English or English and French. Besides statutes, the Legislative Assembly by resolution may determine which, if any, of its documents would be published in both French and English. The Government has undertaken to gradually translate certain statutes that existed before the Court ruling and to enact certain future bills in both languages once the province has a capacity to do so.

While the Court ruling and subsequent language bill excited a great deal of media coverage and interest particularly in central Canada, the bill itself passed through the Assembly with little debate and received Royal assent on April 26.

Prior to the coming into force of the *Language Act* all legislation of the session had to be presented and considered in both languages. The first bilingually-enacted piece of legislation to pass through the

Saskatchewan Legislative Assembly was a bill to put striking university professors back to work. Bill No. 3, *An Act to provide for the Resumption of Instruction, Teaching and Examination of Students at The University of Saskatchewan* received Royal Assent on April 8, 1988.

The Standing Committee on Crown Corporations reviewing crown corporations at meetings held regularly twice each week. A major focus of the Committee currently, is the review of recent privatization initiatives in the crown sector. The Public Accounts Committee tabled its report on May 10th to complete its work on the last session but was late in beginning its current year's work because of delays in the tabling of the Public Accounts for 1986-87 (tabled May 19) and in the tabling of the Provincial Auditor's report. The Provincial Auditor reported to the Public Accounts Committee that due to lack of resources his report would be delayed until mid-June. Normally the Public Accounts and the Auditor's report are tabled by the end of March.

Gwenn Ronyk



Much legislation has passed through the House during recent months. Of special interest were Bill C-113, the *Western Economic Diversification Act*, and Bill C-103, the *Government Organization Act for Atlantic Canada*. With these two bills, the

Government's support of different regions in the country received the approval of the House on May 10.

Another pair of more contentious bills were hotly contested at every stage. These are the immigration bills for which MPs were recalled in August, 1987. Both C-55 and C-84 passed all stages in the House after considerable debate and have been studied at length by the Senate as well. By the end of May both bills were back in the House for consideration of Senate amendments.

The *Official Languages Act*, Bill C-72, has had careful consideration by a legislative committee. After witnesses were heard, the Minister of Justice brought forward amendments in hopes of meeting concerns of some government Members.

The free trade bill will likely occupy a substantial amount of time in the House. Indeed, before it was introduced points of order were raised about the requirement for a Ways and Means motion to order First Reading. Adoption of the Ways and Means motion is normally viewed as an order for first reading of the bill based on that motion. However, the Chief Whip for the Official Opposition felt that the House should divide on the question of leave to introduce the bill before it considered the further question of ordering first reading. Providing that it not be considered a precedent, the Speaker agreed to put both questions and undertook to conduct further research to deliver a ruling which would settle the procedural matter in the future.

When the first reading motion was adopted, the usually – routine question by the Chair is "When shall the bill be read a second time? At the next sitting of the House?" The House Leader for the New Democratic Party, **Nelson Riis**, using arguments based on precedents dated 1876, 1878 and

1879 suggested that the House should also divide upon that question. However, the Speaker ruled that a hundred years of practice had transformed the question into a notice that the bill would be placed on the agenda of House business under Government Orders.

Committees

Since changes were made in the Standing Orders in June, 1987, standing committees have approached their work with considerable enthusiasm. They are now able to conduct timely investigations into significant matters related to the departments they oversee. For example, the Standing Committee on National Health and Welfare chaired by Dr. **Bruce Halliday** tabled its first report entitled "Booze, Pills and Dope: Reducing Substance Abuse in Canada". Based on evidence from numerous agencies concerned with dependencies, the committee made important recommendations regarding prevention, treatment and rehabilitation, native alcohol and drug programs, driving while impaired, the workplace and professional education and training. They concluded by supporting the creation of a National Centre on Substance Abuse which would engage in public education and substance abuse prevention as well as encourage research. The government tabled its response on March 28.

Early this year, **Bob Brisco** tabled the study of the Standing Committee on Environment and Forestry on high-level radioactive waste. The cover of the report showed graphically the message the committee intended to convey with its title "The Eleventh Hour". With fifteen recommendations, members of the committee urged the government to take action through the Department of Energy, Mines and Resources, the Atomic Energy

Control Board and Environment Canada.

Aideen Nicholson tabled the twelfth report of the Public Accounts Committee in May. To improve parliamentary control of the budgetary process, the committee recommended that the House establish a budget committee to consider the Estimates. They also made the fundamental observation that the Government should not consider a reduction in the Estimates to be a matter of non-confidence.

Private Members' Business

Lynn McDonald's Bill C-204, the *Non-smokers' Health Act*, was one of only four bills referred to committee for clause-by-clause consideration after second reading since the new Standing Orders

came into force. After intensive scrutiny, it returned to the House for report stage and third reading and was adopted on May 31. Bill C-273, *An Act respecting political rights of public employees* remained at the committee stage at the end of March. Two private members' bills have been defeated at second reading. **Dave Nickerson's** Bill C-211, *An Act to amend the Freshwater Fish Marketing Act*, and **Lorne Nystrom's** Bill C-221 regarding parity prices for farm products were both negatived after approximately five hours of debate.

Four motions carried during the past year: **Bill Tupper's** motion regarding the construction of a statue of Queen Elizabeth II; **Gordon Taylor's** motion to establish an elected Senate;

Andrew Witer's motion to have a Helsinki Human Rights Day; and **Bob Howie's** expression of concern for national objectives in education.

Four other motions were defeated: one regarding a nuclear arms free zone proposed by **Neil Young**; another in the name of **Gus Mitges** to protect the rights of the unborn; **Aideen Nicholson's** motion to establish a Royal Commission on organized crime; and **Charles Caccia's** motion regarding soil erosion.

Many others have been debated and dropped from the Order Paper – in ordinary parlance, “talked out”.

Nora Lever



SEMINAR ON PARLIAMENTARY INFORMATION

From October 25 - 27, 1988, the Canadian Study of Parliament Group in conjunction with the Association of Parliamentary Librarians in Canada will be sponsoring a seminar entitled “Research and Information for Parliamentarians”. The program will include the following topics:

- Legislative Research Services: What do Members need?
- Serving Committees
- News Information
- Value Added by Libraries
- Telecommunication and Video Services for Parliamentarians
- Access to Computerized Information and Documentation

For further information about this seminar contact the Secretary of the Canadian Study of Parliament Group, Gary O'Brien, Room 625, Victoria Building, The Senate, Ottawa, Ontario, K1A 0A6, (613) 990-0088.



BRITISH COLUMBIA LEGISLATIVE ASSEMBLY

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