

# Legislative Reports



Alberta

The Spring sitting of the Third Session of the 21st Legislature ended on July 6, 1988. The end of the sitting, which began on March 17, 1988, marked the longest uninterrupted sitting of the Alberta Legislature. The 72-day sitting surpassed the previous record of 67 days set in last year's Spring sitting.

A total of 72 Bills were passed including the government's new *School Act* that completely replaced Alberta's previous school legislation; the *Motor Vehicle Administration Amendment Act, 1988*, that increased penalties for impaired driving; and an updated *Child Welfare Act* that placed new controls on private adoptions. The Legislature also passed a new *Police Act* that addressed the issue of complaints against police conduct, increased penalties on unpaid parking violations, and strengthened enforcement measures for traffic offenses.

Four government Bills did not proceed beyond First Reading: two Metis land settlements Bills, legislation concerning implementation of the Canada-United States free trade agreement, and a new *Credit Union Act*.

Much of the Legislature's attention was focussed on controversial labour and language Bills. The *Employment Standards Code* and the *Labour Relations Code*, two comprehensive Bills dealing with all facets of

employer-employee relations and unions, were passed by the Assembly. The Legislature also passed a *Languages Act* which, in the wake of the Supreme Court's Mezure decision, established that English would be the language of legislation in Alberta. It also established that all future laws would be written in English only. English or French may be used in criminal or civil court proceedings as well as in the proceedings of the Alberta Legislature.

The Legislature also witnessed the unprecedented decision by the House to use closure seven times. It was used once on a Bill that allowed lottery profits to remain outside the General Revenue Fund. Closure was also moved six times to limit debate at the various reading stages of both the *Labour Relations Code* and the *Employment Standards Code*.

Security at the Legislature became an issue following an incident in the early morning of October 14. A man, armed with a rifle, stalked the Legislature grounds for over an hour, firing several shots. He eventually made his way through the underground pedway system to the front foyer of the Legislature Building where he was shot and wounded after exchanging gunfire with police. The situation prompted Solicitor General, **Marvin Moore**, to launch a review by an independent council into legislature security and to increase early morning security at the Legislature.

On October 26 Government House Leader, **Les Young**, announced that there would be no Fall Sitting of the legislature this year.

**Huw Williams**



Northwest  
Territories

The Eleventh Legislative Assembly set another record when its Third Session was prorogued November 8 after sitting for 20 days, the longest Fall Session to date.

The focus of debate during the early days of this session was an attempt by some Members to delay appointment of a new Executive Council member until after the Yellowknife South by-election October 31, 1988. The by-election became necessary following the resignation of MLA **Ted Richard** on his appointment to the Supreme Court of the Northwest Territories.

A seat on the Executive Council also became vacant when **Nick Sibbeston**, MLA for Nahendeh, resigned as Minister of Government Services and the Northwest Territories Housing Corporation. Mr. Sibbeston now sits as an ordinary member. Despite two motions requesting that appointment of the new Minister be delayed, Inuvik MLA **Tom Butters** was unanimously appointed to fill the vacant Executive Council position on October 24.

During the session, representatives of the Tungavik Federation of Nunavut, the Dene Nation, the Metis Association and the Inuvialuit Regional Corporation also appeared as witnesses before Committee of the Whole to protest their lack of involvement in the negotiations towards the Northern Energy Accord, agreed to in principle by the Territorial and Federal governments in September.

Following the appearance of these witnesses, Members approved a motion endorsing the invitation of the Minister of Energy, Mines and Resources to the aboriginal organizations to participate on the negotiations team. "This Legislative Assembly wishes to ensure that the special interests and constitutional rights of the aboriginal peoples are protected in such negotiations", the motion stated. The motion also asked that the negotiations team seek consensus on the process for participation and input in developing the Northwest Territories negotiating position.

A further motion recommended that the negotiating team "pursue and protect the rights of Inuit residents in the Hudson Strait regions and enhance the interest and jurisdiction of the Government of the Northwest Territories in the lands and waters of Hudson Bay and Hudson Strait during the course of Northern Energy Accord negotiations with the Federal government".

Also appearing before the Committee were representatives of Canada Post who discussed the Corporation's future plans for postal services in the Northwest Territories.

#### Motions

Other motions passed during this session included: a recommendation that a Public Service Commission be established by the Government of the Northwest Territories; a recommendation that the Government consider providing funding for the planning and implementation of the Sir Alexander Mackenzie 200th anniversary commemorative canoe pageant from Fort Providence to Inuvik in 1989; a commendation to the Government of the United States and the people of Barrow, Alaska for their efforts to save three whales trapped in the ice at Point Barrow; a motion urging the Government of Canada to ratify the agreement made between the Premier of Alberta and the Chief of the Lubicon Cree; support for the need for air transportation services in the Northwest Territories which are reliable, efficient and reflect price structures, service frequency and aircraft type that is acceptable to the public; an additional motion

supporting the use of aboriginal languages for all announcements made on aircraft operating in the Northwest Territories; a request that the Executive Council investigate the feasibility of moving the headquarters of Arctic College back to Fort Smith; and a recommendation to the Executive Council that it consider making day care services, education capital facilities and housing capital construction priorities in the 1989/90 budget.

#### Legislation

Among the 24 bills receiving assent were: amendments to the *All-Terrain Vehicles Act* requiring operators of ATVs on highways within municipalities to have liability insurance, a certificate of registration and a licence plate. The bill also states that operators must be at least 14 years of age, that there cannot be more than two riders and that each person on the vehicle must wear a helmet; amendments to the *Condominium Act*, allowing for condominiums with "bare land" units; the *Disease Registries Act*, requiring health care professionals to provide the Registrar of Disease Registries with information about people they examine, diagnose or treat in regard to a reportable disease or who undergo a reportable medical test. The Act establishes registers containing information provided by health care professionals and provides that the information in the registers is confidential and may be used only by certain people for specified purposes; amendments to the *Education Act* giving the Minister of Education the power to cancel, suspend or reinstate certificates of qualification; allowing a teacher whose certificate of qualification is cancelled or suspended the right to appeal; and, providing for the training of teacher interns; amendments to the *Evidence Act* providing that witnesses in civil proceedings cannot be asked questions about proceedings before medical peer review committees and cannot be required to produce records of such proceedings; the *International Sale of Goods Act*, implementing the United Nations Convention on Contracts for the International Sale of Goods. The Convention provides uniform rules to resolve disputes between buyers and sellers arising out of international

sales contracts; amendments to the *Legal Services Act*, providing that agreements with the federal government may be signed by the Minister and eliminating legal aid panels made up of only non-residents; amendments to the *Legislative Assembly and Executive Council Act* changing the composition of the Management and Services Board from the Speaker, two ministers and two members to the Speaker, one minister and three members; and providing that a minister takes an oath of allegiance and an oath of office before the Commissioner instead of a judge; the *Reciprocal Enforcement of Judgments (Canada-U.K.) Act* providing for reciprocal recognition and enforcement of judgments in civil and commercial matters between Canada and the United Kingdom; an amendment to the *Residential Tenancies Act* decreasing the penalty for late payment of rent; the *Victims of Crime Act* establishing a Victims Assistance Committee to promote the needs and concerns of victims and to promote the provision of services to victims; and, to establish a Victims Assistance Fund, funded from a surcharge imposed on persons convicted of an offence, to be used to provide services to victims; amendments to the *Territorial Court Act* authorizing appointment of a person to the Judicial Council who is not a judge of the Supreme Court or the Territorial Court, a member of the Law Society of the Northwest Territories or a member of the public services of the Northwest Territories or Canada; the *Engineering, Geological and Geophysical Professions Act*, revising the Act to change the composition of the council and manner of electing and appointing council members and making other versions to the bylaws of the Association; and, the *Neptune Resources Corporation Loan Guarantee Act* to assist in the development of the Colomac Mine near Snare Lake, Northwest Territories.

The Fourth Session will begin Wednesday, February 8, 1989, Commissioner **John Parker** announced in proroguing this session November 8.

**Ann Taylor**



During the months of September and October the following Select Standing Committees conducted public hearings into matters referred to them during the early part of the Second Session: Labour, Justice and Intergovernmental Relations (*Builders Lien Act*) and Finance, Crown Corporations and Government Services (*financial planning and advisory industry*).

The Special Committee on Electoral Boundaries held various meetings from August to November (*Preliminary Report of the Proposed Boundaries for British Columbia Electoral Districts*) and is currently preparing a draft Report which may be tabled in the Legislature when it next sits.

An analysis of all the data received by the following Select Standing Committees is being performed for the benefit of the Members: Forests and Lands (*timber harvesting contracts*); Labour, Justice and Intergovernmental Relations; and Finance, Crown Corporations and Government Services. Some additional research is being undertaken where issues have surfaced that may not have been adequately addressed in the submissions the respective Committees have received to date. Draft committee reports are in the initial stages of preparation subject to additional information received by each Committee.

**E. George MacMinn**, Q.C., Deputy Clerk coordinated the production of the Legislative Assembly's *Members' Handbook*. This 90 page looseleaf document provides Members with an explanation and application of their various benefits; travel; services; indemnity and allowances; Hansard; Legislative Library; Ombudsman; Auditor General; Legislative Counsel; Parliamentary practice, including House documents and Committees; Board of Internal Economy; Legislative Internship programme; Sergeant-at-Arms; and the Commonwealth Parliamentary

Association. The appendix includes an index of telephone numbers of officers and staff of the Assembly and, in the case for Members, the usual residence, constituency and parliamentary office addresses.

**John Reynolds**, Speaker of the Legislative Assembly commissioned a film entitled "The Assembly: a demonstration video" earlier this year. The seventeen minute videotape was produced for Members of the Legislative Assembly and intended as a "non-partisan educational tool which shows some of the activities of the House including the Throne Speech, the Question Period, the stages of a Bill from Introduction to Royal Assent, the roles of the Cabinet, Members and support staff, the physical facilities, as well as historical background." The video is also designed to be shown to school groups and community organizations. The Executive Producers of "The Assembly" were **Ian Izard**, Law Clerk and Clerk Assistant and **Elaine Dunbar**, Administrative Officer to the Speaker. Copies can be purchased from the Queen's Printer in Victoria.

Craig James



The Ontario Legislative Assembly resumed sitting on October 17, 1988, following a three and a half month adjournment, in the midst of the federal election campaign.

With the resumption of the House, the Liberal government of **David Peterson** proceeded with bills in the House which are designed to act as passive challenges to the Canada-US Free Trade Agreement through the legislative assertion of provincial jurisdiction in the areas of health care, energy and natural resources.

Second reading debate on Bill 147, *An Act respecting Independent Health Facilities*, began on November 7. In her comments to the House, the Minister of Health, **Elinor Caplan**, pointed out that "this legislation clearly specifies that in

granting licences for community-based facilities, the ministry will give preference to Canadian and not-for-profit groups... we have built a national consensus in this country that health care is not just another commodity to be traded in the marketplace."

Official Opposition Health Critic **David Reville** stated that "this is one of the alleged anti-free-trade bills that the government of Ontario has tried to bamboozle the citizens of Ontario into believing is a serious defence of Ontario's interests against the Mulroney-Reagan free trade deal. I submit that if this is what we are counting on for our defence, we are in a lot of trouble."

On November 10, the debate on second reading of Bill 175, *An Act respecting transfers of Water*, was commenced. The objective of the bill is to provide authority to the government of Ontario to prohibit transfer of Ontario's water to other countries, including the United States. The Minister of Natural Resources, **Vince Kerrio**, repeated to the House part of the statement he made when the bill was introduced, that "This government is concerned that the proposed free trade agreement places control of Ontario's water at risk. We believe that the failure to expressly exclude water exports from the agreement opens a door we think ought to be closed."

Official Opposition Critic **Bud Wildman** stated that his party was certainly in favour of that principle, but that evaluation of the bill shows that "instead of closing the door on exports of water from this drainage basin to the United States, what the minister's legislation did was set up a toll-gate. The main purpose of the legislation was to get revenue into the provincial Treasury for the transfer of water to the United States."

Progressive Conservative Natural Resources Critic **Noble Villeneuve** argued that the bill is simply political posturing on the part of the Ontario government, and noted that many observers are satisfied that the federal government's implementing legislation, Bill C-130, addressed the issue of water by including the statement that "Nothing in this act or

agreement except article 401 applies to water". Mr. Villeneuve noted that article 401 deals with the elimination of tariffs on traded bottled water.

The third of the so-called anti-free-trade bills, Bill 168, *An Act to amend the Power Corporation Act*, has not advanced beyond first reading.

The House debated the motion for second reading of Bill 162, *An Act to amend the Workers' Compensation Act*, for seven days; workers' compensation is one of the most controversial public issues in Ontario, and this was proven once again on October 19 when the bill was first brought forward for second reading. Hundreds of injured workers marched on Queen's Park to rally for fairness and equity in the workers' compensation system. In a development that later garnered headlines in the papers and leads in the evening news, many of the workers entered the Legislative Building and approached the front entrance of the Legislative Chamber while the House was meeting. Security forces attempted to control the crowd, and New Democratic Party Leader **Bob Rae** left the Chamber and spoke to the crowd, urging orderliness and respect for the precincts, and succeeded in calming the injured workers and getting them to agree to leave the building peacefully. The Standing Committee on Resources Development will be conducting public hearings on the bill in early 1989.

On November 1, Speaker **Hugh Edghoffer** tabled in the House the memorandum of understanding negotiated between himself and the Minister of Government Services, **Richard Patten**, transferring service responsibilities for the Legislature from the Ministry to the Office of the Assembly. This development, the successful completion of a recommendation from the Standing Committee on Procedural Affairs, now gives the Speaker full jurisdiction over the Legislative Precincts and the task of providing services to all legislative offices.

A new Deputy Chairman of Committees of the Whole House was appointed to replace **Marietta Roberts**, who was elected Chairman

of the Government Caucus. **Michael C. Ray** was nominated by the Government House Leader to replace Miss Roberts, in a development that produced one of the most rancorous debated in the House in some time. Upon moving the motion for the appointment of Mr. Ray to replace Miss Roberts for the duration of the Session, the Government House Leader, **Sean Conway**, faced a storm of protest from the opposition parties. The opposition emphasized that they had no concern about the nominee, Mr. Ray, but rather with the manner in which the House was being asked to make the appointment, and felt that, at the very least, they should have been consulted on the nominee and given more notice of the government's intention to proceed with a motion for the appointment, even if they do not have the numbers to defeat an appointment.

The Opposition House Leader, **David S. Cooke**, moved an amendment to the motion to provide for the referral of the circumstances of this appointment, and future appointments of Officers of the House, to the Standing Committee on the Legislative Assembly.

After two days' debate in the House Mr. Cooke's amendment was defeated, the motion passed, and Mr. Ray was appointed Deputy Chairman of the Committees of the Whole House.

#### Committees

The three and a half month summer adjournment provided ample opportunity for many of the committees to maintain full and busy schedules.

The Standing Committee on Resources Development, chaired by **Floyd Laughren**, held three weeks of public hearings on Bill 87, *An Act to amend the Ontario Highway Transport Board Act*, and Bill 88, *An Act to regulated Truck Transportation*, and reported the bills back to the House. The Bills now await third reading.

In September, the Standing Committee on Finance and Economic Affairs, chaired by **David R. Cooke**, travelled to Paris to meet with officials of the Organization for

Economic Co-operation and Development, to Brussels to meet with officials of the European Economic Community and to Geneva to meet with officials of the General Agreement on Tariffs and Trade as part of its review of bilateral and multilateral trader matters. The Committee subsequently released a two volume report on the Canada-US Free Trade Agreement and its observations from its European trip.

The Standing Committee on the Legislative Assembly, chaired by **Herb Epp**, met to consider amendments to the *Legislative Assembly Act* with respect to service of civil process in the legislative precincts. As a result of these meetings, the Chairman introduced a bill for introduction and first reading when the House resumed in October which would regulate the service of civil process in the legislative precincts. It is expected that the Bill 181 will be debated for second reading early in December. The Committee also considered a report from the Chief Election Officer of Ontario concerning amendments to the *Election Act* and election procedures. The Committee subsequently presented a report to the House recommending that it be authorized to conduct a comprehensive review of the Chief Election Officer's report and other areas related to the election process.

The Committee continued its review of food and beverage services operations at the Legislature and travelled to Quebec City and Ottawa to review the food services operations at the legislatures in those two cities. In October, the Committee met in Fredericton with members of the Legislative Assembly of New Brunswick and representatives of the two opposition parties to discuss the operation of a legislature where only one party is represented. The Sub-Committee on Agenda and Procedure met with the Speaker and senior officials of the House on five occasions during August, September and October to discuss the process for the restoration of the Parliament Building. Once members of the Sub-Committee have met with the three Party Leaders, it is expected that the Committee will make a report to the House in the Fall.

Since the resumption of the Legislature, the Committee has dealt principally with members' services issues such as the expanded use of the ONT PARL satellite transponder by the Wawatay Native Communications Society, the provision of mail service to the Legislative Assembly, and security involving the Legislative Building.

The Standing Committee on the Ombudsman, chaired by **Cindy Nicholas**, held hearings on proposals to expand the jurisdiction of the Ombudsman to public hospitals, childrens' aid societies and the Ontario New Home Warranty Program (HUDAC). As part of this review, the Committee travelled to Fredericton and Winnipeg to meet with Ombudsmen and legislators in

those provinces. A Sub-Committee of the Committee travelled to Canberra, Australia to attend the fourth International Ombudsman's Conference.

The Select Committee on Energy, chaired by **Doug Carrothers**, met to consider Ontario Hydro's draft Demand/Supply Planning Strategy. The Committee heard evidence from experts in the energy field and from concerned groups and individuals. The Committee hopes to present its report to the House sometime this Winter.

The Select Committee on Education, chaired by **Dianne Poole**, held hearings on the philosophy and goals of the education system in Ontario and on streaming, semestering, grade

promotion and Ontario Schools: Intermediate and Secondary. The Committee expects to present its report sometime in December.

The Standing Committee on Government Agencies, chaired by **Allan McLean**, met in August and September to review the operation of three agencies: the Ontario Advisory Council on Occupational Health and Occupational Safety; the Ontario Waste Management Corporation; and the St. Lawrence Parks Commission. The latter review included travel to Old Fort Henry, Upper Canada Village, and other museums, parks and scenic highways operated by the Parks Commission. The Committee will complete its Report in early 1989.

**Todd Decker**