

Legislative Reports



The second session of the Thirty-fourth Legislature opened on Thursday, May 18, 1989 at 1:30 p.m. with the presentation of the Speech from the Throne by **George Johnson**, Lieutenant Governor of the province.

In announcing its vigorous agenda for change the government made reference to its first throne speech, outlining a competitive and diversified economy to facilitate increased job opportunities and quality health, education and social services.

Since then spending has been reprioritized and government reorganized. The speech noted that after one year, the government has lowered the deficit by two-thirds to its lowest level since 1981, and it will continue to reduce taxes. The commitment to holding the line on personal taxation remains intact.

Among its environmental promises, the government pledged to implement legislation covering environmental protection and dangerous goods handling. The legislation would provide stiff penalties for polluters, and increase the capacity to respond to environmental accidents.

Other environmental issues on the agenda include an *Endangered Species Act* and legislation to promote recycling.

The 15-page throne speech also promised a series of initiatives for rural and northern Manitoba, including a

task force to study decentralization of government operations. A Rural Development Strategy will focus on the economic challenges affecting agriculture.

The government promised to proceed with reforms and improvements in crop insurance and income stabilization. Additional support will be provided for agricultural marketing to diversify agricultural exports.

Initiatives to encourage trade included Free Trade planning workshops, marketing plan assistance, and export development training. The government's Manitoba Business Start Program will provide loan guarantees for new small business with a specific focus on women and rural Manitobans.

On health care, the government promised to set up a women's health directorate, provide more funding for AIDS education and prevention programs, and provide more money to allow the Manitoba Cancer Research and Treatment Foundation to become a world-class facility.

Education initiatives were highlighted by a commitment to introduce a White Paper proposing changes aimed at making the system more accessible and flexible. The complex issues of education finance will be looked at in a consultation paper.

Opposition Leader **Sharon Carstairs** introduced a non confidence amendment to the motion for an Address in Reply to the Speech from the Throne saying that "this throne speech is a hollow shell of rhetoric that provides many platitudes but few initiatives and fewer still innovations."

New Democratic Party Leader **Gary Doer** told the Legislature his 12-member caucus would not vote with the Liberal party, believing "the people of Manitoba do not want another election". The non confidence motion was defeated 35-21.

On June 5, 1989, Finance Minister **Clayton Manness** introduced what was quickly labelled his "good news budget".

In presenting the budget, Mr. Manness re-affirmed his government's commitment to protecting vital services and providing tax relief while continuing to reduce the deficit. Highlights of the budget included:

- personal income tax rates reduced by two points;
- tax exemptions for each dependent child raised to \$250 from \$50;
- doubling the tax exemption on payroll tax from \$300,000 to \$600,000;
- initiating an environmental protection tax on non-deposit alcohol containers;
- gasoline tax increased by one cent a litre;
- tobacco tax by one cent per cigarette;
- a temporary 1.5% mining tax.

The government introduced legislation to create a Fiscal Stabilization Fund to draw from when revenues are down or spending must be increased. The first deposit of \$200 million resulted mainly from increases in mining taxes and increased federal equalization payments.

Health and education remained the central spending priorities receiving

\$2.4 billion which is over half the total budget. A seven per cent increase in each of these departments raised spending by \$99 million and \$57 million respectively.

Although total government spending for the fiscal year of 1989-90 increased 4.5% to \$4.77 billion, the budget projected a dramatic cut in the provincial deficit, reducing it to \$87 million from \$152 million.

On June 14, 1989, eleven NDP MLAs voted with the Conservative government to approve the \$4.77 billion budget 34-21.

The first six weeks of the session saw 35 bills introduced with five receiving Royal Assent.

As promised in the Throne Speech the government introduced the toughest impaired drivers legislation in Canada. The bill will allow police to impound a driver's car for 30 days and suspend a driver's license for three months after a motorist is stopped for driving while impaired. The penalties are in addition to any suspensions imposed by the courts. In an amendment passed by committee, the appeal process requires a paper hearing to be held within 15 days of application and an oral hearing within 30 days. Justice Minister **Jim McCrae** targeted October 1, 1989, for putting the law into effect.

The *Child and Family Services Amendment Act*, making it mandatory for school officials and others to report abuse of children by third parties, received Royal Assent.

MLAs passed a bill redrawing electoral boundaries for the next provincial election – a move that will decrease rural seats to 26 while increasing the number of Winnipeg seats to 31.

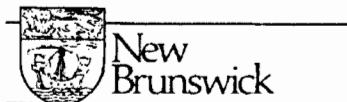
The only other bills passed during the session were an act retroactively validating the establishment of the native justice inquiry and an interim supply bill.

Also on the order paper for debate are Private Members' Public Bills to protect consumers and laid-off workers

and government bills to protect endangered species, toughen fines for polluters and repeal the controversial final offer selection provisions of *The Manitoba Labour Act*.

Bev Duncan

Hansard Production Assistant
Manitoba Legislative Assembly



During the 38-day spring session, the all-Liberal House amended the Standing Rules to allow more input from registered political parties, passed 51 pieces of legislation, adopted comprehensive committee reports resulting from extensive public hearings, received numerous papers, including a strategy for major economic development, and heard Premier **Frank McKenna** name four backbenchers to Cabinet.

Registered political parties took advantage of the recent provisional changes to the Standing Rules, and through the Speaker, the Clerk and the Clerk Assistant asked written questions. A total of 249 questions were presented on behalf of the Progressive Conservative Party and another 236 asked on behalf of the New Democratic Party. Further provisional amendments to the Standing Rules provide for "Introduction of Guests and Congratulatory Messages" after Prayers.

On May 15, 1989, **Gérald Clavette**, Chairman of the Board of Management, introduced Bill 41, *Pay Equity Act*. It proposes to provide a gender-neutral job evaluation system which will measure female-dominant jobs against male-dominant jobs to determine if they are of the same value.

After Bill 31 amended the *Motor Vehicle Act* by proposing to do away with the unsatisfied judgment fund, Bill 32 amended the *Insurance Act* and proposed to provide a compulsory

uninsured motorist coverage up to the statutory limit of \$200,000.

Bill 45, which amended the *Judicature Act*, transfers the authority to hear small claims from court clerks to Justices of the Court of Queens Bench and raised to \$5000 from \$3000 the maximum limit which can be dealt with in small claims cases.

On May 17, 1989, **Raymond Frenette**, Minister of Health and Community Services, introduced Bill 50, *Mental Health Commission of New Brunswick Act*, which proposes to establish an organizational structure to provide a focal point of responsibility for provincial mental health services.

New Brunswick's Legislature has no elected opposition and while there has been a striking decrease in the number of motions requiring notice, participation in the legislative committee process has increased dramatically. Since 1988, Select, Special and Standing Committees have received submissions on a variety of issues including a *Clean Water Act*, beverage container legislation, changes to the *Family Services Act*, the 1987 Constitutional Accord, Via Rail cutbacks, adequate highways, a stock savings plan, ambulance services, an *Aquaculture Act*, and major projects in the construction industry. Committees met 66 times in 1987 and 98 times in 1988. During the first four months of 1989, committees sat 33 days, suggesting that the number of meeting days this year could well exceed 100.

As a result of these public hearings, the legislature received comprehensive committee reports. The report on the Special Committee on Social Policy Development's review of ambulance services, tabled May 16 by Dr. **Marilyn Trenholme**, recommended the establishment of an Emergency Health Services Branch in the Department of Health and Community Services (DHCS) to replace the Ambulance Services Branch. It also recommended that the DHCS be responsible for Emergency Health Services planning and

policies as well as its design, development, standards, licensing, improvements and implementation; that DHCS encourage the participation of volunteers and provide financial assistance to those who wish to upgrade their training; that there be a minimum standard of service throughout the province and standardized training for all ambulance personnel, and that there be a province-wide maximum fee for ambulance services. It further recommended a Hospital Based Ambulance Service in which hospitals utilize existing private, volunteer and St. John Ambulance services and a centrally located air ambulance helicopter service to complement and enhance the ground system and to handle emergency inter-hospital transfers both within and outside the province.

On May 19, the same committee tabled its final report on its review of proposed amendments to the *Family Services Act*. Recommendations include extending provisions for protective care of abused or neglected seniors and disabled adults; liability protection for professionals who report suspected abuse or neglect of seniors and disabled adults; requiring parents to obtain independent legal advice before signing a guardianship agreement; limiting to 24 months the duration of child custody orders granted by the courts and custody agreements, and the protection of every child from any offending person, including those in a position of trust or authority or with whom the child is in a relationship of dependency, whether or not that person is living with that child.

The Social Policy Development Committee chaired by **Paul Duffie** and mandated to review the discussion paper *Water Management Issues and a Clean Water Act*, tabled its final report on May 4. Subsequently, **Vaughn Blaney**, Minister of the Environment, introduced Bill 51, *Clean Water Act*, on May 17. According to the minister, the Act incorporates virtually all the recommendations contained in the report and will make corporate pol-

luters subject to fines up to \$1 million a day and individual polluters subject to fines up to \$50,000 a day. It will give the minister the authority to take immediate action against sources of contamination, while forcing polluters to pay for and clean up their mess. The minister stated that regulations to implement the Act should be ready within six months, whereupon the Act will be proclaimed.

The Special Committee on Economic Policy Development received public comment on the discussion paper, *Major Project Agreements in the Construction Industry*. Several weeks after Chairman **Camille Thériault** tabled the Committee's final report, **Michael McKee**, Minister of Labour, introduced Bill 46, *An Act to Amend the Industrial Relations Act*, which is designed to facilitate collective bargaining and improve labour relations on major construction projects.

On May 2, the Premier tabled *Toward 2000, An Economic Development Strategy for New Brunswick*, which sets out a number of specific actions the government, in partnership with the private sector, will implement over the next three years.

Papers entitled *Federal-Provincial-Territorial Working Group on Confidentiality in Relation to HIV Seropositivity, November 1988* and *Report of the Integration Review Committee, English Working Group* and *Report of the Francophone Advisory Committee on School Integration* were referred to the Special Committee on Social Policy Development. A Social Policy Committee subcommittee chaired by Dr. Trenholme has been mandated to consider the issues raised by school integration, to receive public opinion and to make recommendations to the legislature during the fall sitting.

Geographic Information Corporation - A Discussion Paper was referred to the Special Committee on Economic Policy Development for public comment. The discussion paper *Municipal*

Conflict of Interest Legislation and another entitled *Strengthening Inshore Fishermen Associations* were referred to the Law Amendments Committee for public comment.

On May 19, New Brunswick's Legislature adjourned to December 12. In the interim, a busy schedule of public hearings is anticipated.

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New Brunswick



The Third Session of the Thirty-fourth Parliament adjourned on July 20, 1989.

The bulk of the Government's program was acted upon by the Assembly during June and July. On June 15, the House began sitting until 10:00 p.m. in an effort to expedite all of the business it had set for itself. As well, all of the Estimates were adopted.

On Friday, May 26, 1989, **Larry Chalmers**, Chairman of the Select Standing Committee on Labour, Justice and Intergovernmental Relations presented the Committee's First Report to the Legislative Assembly respecting judicial salaries in British Columbia. Essentially, the Committee had been referred a document entitled the *Compensation Advisory Committee Report and Recommendations*.

The Compensation Advisory Committee is established every two years pursuant to the *Provincial Court Act*. The process appears to be that the Attorney General initiates the referral of the report to the appropriate legislative committee.

On July 14, Mr. Chalmers presented the Second Report of the Select Standing Committee on Labour, Justice and Intergovernmental Relations respecting the matter of electoral reform in British Columbia. The Committee had

been referred the *Report of the Royal Commission on Electoral Boundaries for British Columbia*, dated December 1988.

The Committee's Report contained several important recommendations including the establishment of an Electoral Boundaries Commission; the elimination of dual member ridings; an increase in the size of the Legislature to 75 Members; that the Board of Internal Economy, "review on a regular basis the requirements of each Member, in particular, those Members representing rural and northern ridings in the Province in respect of their ability to effectively and efficiently serve their constituents as well as their constituencies". It called for specific legislation to be enacted to the effect that while the House is not in session, "the Lieutenant-Governor in Council shall not enact a regulation ... unless the Select Standing Committee on Labour, Justice and Intergovernmental Relations has made a unanimous report to the Legislative Assembly recommending the names and specifying the areas and boundaries of the electoral districts".

The Committee is continuing its review of the Royal Commission Report and has been in contact with the Honourable Judge **Thomas K. Fisher**, Commissioner.

On Thursday, July 20, 1989, **Darlene Marzari**, Chairman of the Select Standing Committee on Public Accounts presented the Committee's First Report to the House. One of the recommendations contained in the Report requests the Government to "consider the ways and means by which the public accounts for the Province of British Columbia can be made publicly available as soon as possible after the end of the fiscal year for which they have been completed".

To date, the Third Session has consumed 116 separate sittings which enabled the House to give Royal Assent to 86 Government Bills out of 92 introduced; there were 35 Members' Bills

introduced; 3 Private Bills; and, including subcommittee meetings, sittings of the Select Standing Committees amounted to nearly 35 during the period March through July.

Craig James
Clerk of Committees and Second
Clerk Assistant
British Columbia Legislative
Assembly



The First Session of the 22nd Legislature opened on June 1 and adjourned on August 18. During its 48-day sitting, the Assembly passed 35 Bills including a Private Member's Bill which established the bighorn sheep as an official emblem of Alberta.

On July 24, Premier Getty announced that a review panel had been established to make recommendations with respect to conflict of interest guidelines for MLAs. The committee is composed of the Chief Justice of the Provincial Court, **Edward Wachowich**, Chairman; **Walter Buck**, former Member for Clover Bar; and **Frank King**, former Chairman of the Calgary Olympic Organising Committee. The panel is to report by October 31, 1989.

The Final Report of the Inspector **William Code** into the collapse of the Principal Group of companies was released on July 18. An emergency debate was held in the House the following afternoon and the Government responded to the report on July 28. The Report of the Ombudsman into this matter was released on August 28.

Two Committees of the Legislature were struck before the session adjourned: a Special Committee to review Electoral Boundaries and a Special Committee to Select an Ombudsman. The present Ombudsman, **Aleck Trawick**, resigned his position September 15, 1989.

In an amendment to the *Legislative Assembly Act*, the Assembly gave authority to the Members' Services Committee to prescribe the rates set for Members' indemnities and allowances. On August 28, the Committee increased Members' indemnities from \$44,322 to \$57,505. The Committee also instituted salaries for party Whips and Assistant Whips and payment for Members serving as Chairmen of the Standing or Special Committees of the Assembly.

Karen South
Clerk Assistant
Legislative Assembly
Alberta



The opening weeks of the Second Session of the Thirty-fourth Parliament, described in the last issue of the *Review*, saw what appeared to be the beginning and the end of the Budget controversy, but the issue returned to the fore when dribbles of new information on the circumstances surrounding the Budget leak fuelled further opposition questions. In fact, much of the time allotted to oral questions from mid-May until the first week of June was taken up with Budget leak questions.

These questions were finally overtaken by the violent events in the Republic of China, which led Speaker **John Fraser** to grant an emergency debate at the request of New Democrat MP **Howard McCurdy** on Monday, June 5th. Many members made moving and eloquent speeches decrying the use of force against the Beijing students who, as Secretary of State for External Affairs **Joe Clark** put it, "were peacefully advocating democratic principles and human freedoms as is the fundamental right of all peoples of the world".

Liberal MP **Peter Milliken**, first elected in 1988, continued to show a

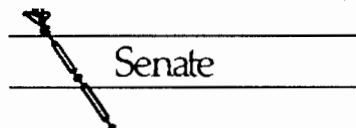
keen interest in procedural matters and placed a Private Member's Notice of Motion on the *Order Paper* recommending wholesale changes to the Standing Order governing written questions, after a variety of complaints about the current rule had been voiced by Members from all sides. He also raised questions of privilege having to do with supply proceedings and the use of Governor General's warrants between sessions. The latter point became all the more crucial when the supply bill covering the use of the warrants in the early spring of 1989 was closely scrutinized in the Senate for several days. The Senate then took the precedent-setting step of amending the bill, although the House disagreed with the amendment and the bill eventually emerged unchanged for Royal Assent on May 17th.

By mid-June, the pace of legislative activity had quickened considerably, with over 35 government bills introduced, several of these passed at third reading, and several others were given second reading. Coming on the heels of the all-summer sitting of 1988, the autumn general election, and the special "Free Trade" session of December, the mood of the members this trimester was decidedly in favour of a normal summer adjournment in accordance with the parliamentary calendar introduced in 1982. In fact, the spring trimester of the session ended even before the date provided for by the calendar.

Because so many pieces of legislation were passed by the House in the last two weeks of June, a special order was adopted allowing a post-adjournment return solely for the purpose of Royal Assent. This eventuality brought some Members back on June 29th, only two days after the adjournment. As he had in December 1988, Liberal MP Marcel Prud'homme raised a point of order regarding quorum provisions in such cases. The Speaker promised to consider the matter over the summer,

while still allowing the Royal Assent ceremony to proceed as planned.

Marc Bosc
Procedural clerk
Committees Branch
House of Commons



On June 29, 1989, Senator **Allan J. MacEachen**, Leader of the Opposition in the Senate, rose to comment on the relatively amicable relations between the two parties in the passage of legislation. So far this Session ten pieces of government legislation have been given Royal Assent, with four government bills remaining in their respective committees. Senator MacEachen continued by commenting on the twenty government bills at various stages of progress in the Other Place and hoped that this Spring's evidence of accommodation would be remembered once these bills reached the Senate.

Non-Smoker's Health Act: Privileges of the Senate

At Third Reading of Bill C-27, *An Act to amend the Non-Smoker's Health Act*, Senator **Lorna Marsden**, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, rose to put on record a concern raised during Committee hearings on the Bill. The Senator pointed out that, in two scenarios, the Senate's privileges might be infringed upon by the Act. In the first instance, naming the Senate as an employer for the purposes of the Act might possibly subject the Senate to prosecution in court. While she said the Committee accepted the assurances of the legal officer for the Ministry of Labour that the Senate's unique privileges would exempt it from prosecution, Senator Marsden wanted

this to be doubly recorded in the annals of the Senate records. Furthermore, Senator Marsden recommended that, in the future, legislation which subjects the Senate or the Other Place to the provisions in an Act, should contain "...a specific clause stating that the houses are to enforce the rule internally and setting out, if necessary, the mechanics by which each house is to do so."

In the second instance, Senator Marsden raised the contradictory rights given to designated inspectors to inspect any work space under the control of an employer, versus the privileges of the Senate, its Committees and individual Senators. To her mind this contradiction remains unresolved.

Report on Terrorism

On June 28, 1989, Senator **William M. Kelly**, Chairman of the Special Senate Committee on Terrorism and Public Safety tabled its report. The Committee had been struck to review the recommendations contained in the Report of the Special Committee of the Senate on Terrorism and Public Safety, tabled in the Senate August 10, 1987.

The Committee identified the greatest risk from terrorist-style activities as coming not from international sources but from domestic issues. The Committee noted that a certain level of "...emotionalism and radicalism..." was deemed necessary for such activity and that causes which might fuel this passion could possibly come from "...language issues, native concerns, groups associated with the animal rights or animal liberation movement and 'white power' groups".

The Committee also had advice and comments on the role of the media and its relations with the police, the preparedness of the government to handle terrorist situations and data on the extent and nature of the terrorist threat to Canada and Canadians. A copy of the report can be obtained by writing to the Director, Public Information Service, The Senate, 140 Wel-

lington Street, Ottawa, Ontario, K1A 0A4.

Special Studies

The Standing Senate Committee on Energy and Natural Resources received an Order of Reference on June 21, 1989 to "... review the extent to which Petro-Canada has met its original purpose and to evaluate this purpose with respect to Petro-Canada's evolving role in the Canadian energy scene." The Committee is to report to the Senate by 31 March 1990.

The Standing Committee on Social Affairs, Science and Technology will report by 31 December 1989 on its study of Childhood Poverty. It will continue working on another study, due 31 March 1990, on the problems encountered by short-time care hospitals and institutions under the National Health Program.

Speaker's Ruling

The financial rights of the Senate were explored again this session. On May 18, 1989, Senator C. William Doody, Deputy Leader of the Government in the Senate, rose regarding the private members' bills S-3 and S-4 introduced by Senator Jack Marshall. Senator Doody was not sure whether there were "...money implications ... or whether it is even within the Senate's purview to consider such bills, but perhaps the Chair could take them into consideration and give us a ruling at a later date".

On June 13, 1989, the Acting Speaker, Senator Martial Asselin, ruled that both bills had financial implications and were consequently out of order. In his ruling, Senator Asselin quoted precedents from the House which were relevant to the substance of Senator Marshall's amendments and to the Fourth Edition of *Bourinot's Parliamentary Procedure*. In all instances, it was stressed that without the recommendation of the Crown and the endorsement of a Minister of the Crown, no

bill which has financial implications can be accepted.

In substance, the bills submitted by Senator Marshall were deemed to increase the need for funds since they respectively increased the number of eligible recipients. Senator Marshall argues that, while the bills may, indeed, "... increase the need for funds ...", they do not directly touch upon the Consolidated Revenue Fund as defined in sections 53 and 54 of the *Constitution Act 1867*.

This subject had been discussed in the Senate most recently during debate over Bill C-103, *An Act to increase economic development in Atlantic Canada*. Moreover, Senator John B. Stewart raised the subject of the seemingly indiscriminate use of Royal Recommendation when, as a member of the Standing Senate Committee on Transport Communications during its deliberations over C-2, he noted that a Royal Recommendation had originally been attached to the Bill. This, despite the fact, in his view, one was never required.

Blair Armitage
Committee Officer
The Senate



The spring sittings of the Legislative Assembly have been anything but quiet. There have been bells ringing, hours taken by members presenting petitions; an all-night filibuster occurred; and Question Period has been dominated by the Leaders of both Opposition Parties.

Things started to happen when the then Solicitor General, Joan Smith, received a call in the middle of the night. The point of the call was the safety and well-being of a girl's brother. She assured the Solicitor General her family was out of town and she did not know what to do and was deeply distressed about the safety of her

brother. The Solicitor General tried to reassure her that the police are dependable, reliable and that her brother was in no danger. The girl continued with her accusations and the Solicitor General could not persuade her that her brother was safe. The Solicitor General decided the best thing to do was to go to the police station stating to them that she had had a phone call expressing concern for the safety of this young man.

The Opposition called for the resignation of the Solicitor General, suggesting that she had demonstrated bad judgement when making the decision to go personally, after a call from a family friend, to the Ontario Provincial Police. The Opposition suggested that as the Solicitor General was responsible for the O.P.P. her presence would influence the judgement of the investigating officer in the matter related to a family friend. This could be interpreted as unequal treatment for those residents of Ontario who know the Solicitor General from those that do not.

After several days of calling for her resignation with the Premier defending her position and refusing to ask for her resignation, Bob Runciman of the Progressive Conservative Party decided to introduce a bill entitled the *Executive Council Amendment Act, 1989*. The intent of the Bill was to set down certain criteria governing the relationship of Ministers of the Crown and members of the judiciary and police forces, also putting a demand on the Premier to call for an investigation of anyone accused of violating these criteria.

When a division was required on First Reading of the Bill the members left and did not return for two days; the vote was taken on the motion for First Reading of the Bill and lost.

The House Leader for the Progressive Conservative Party, Mike Harris, then moved a motion requesting that the sitting be extended to consider the motion on Interim Supply. The motion

was considered and passed. This was done to ensure that salaries and bills were paid.

Before the Speaker could adjourn the House, the member for Welland-Thorold, **Peter Kormos**, rose on a point of privilege and stated that the Premier had deliberately misled him and the House when answering one of his questions on a previous day. The Speaker asked the member to withdraw the offending words, however, the member refused and was named and ordered to leave for the balance of the day's sitting. The Opposition House Leader, **David Cooke** (Windsor-Riverside), challenged the decision of the Speaker to name Mr. Kormos. When the question, "Shall the Speaker's ruling be sustained?", was put, members of the Opposition caused the division bells to be rung as a means of continuing the protest against the Solicitor General continuing to remain in Cabinet.

The bells rang from Thursday, May 30 at 4:43 p.m. until Tuesday, June 6 at 1:13 p.m. Each day when it became evident that the division would not be taken, the Speaker came to the Chamber, announced the fact, deemed the bells to ring until 9:00 a.m. the next sessional day and suspended the meeting of the House until that time. This procedure was also followed over the weekend.

On June 6, when the division was taken, the ruling was sustained. The Speaker then indicated that the business of the House for 29 May 1989 was concluded and the House adjourned.

At 1:30 p.m. on June 6, the House met to conduct business as normal. During Question Period, the issue of questionable campaign contributions became the topic for the attack by the Opposition. The resignation of a senior member of the Premier's staff led to a decision for a judicial inquiry into the matter under the auspices of Justice Holden of the Ontario Supreme Court.

While Bill 162, *An Act to amend the Workers' Compensation Act*, was being

examined by the Standing Committee on Resources Development, many hours were used during Routine Proceedings under the proceeding "Petitions". In most cases, members stood in their places and read the full text of the petitions being presented, requesting the government to withdraw the Bill.

On July 11, **Bud Wildman**, the Vice-Chairman of the Standing Committee on Resources Development, presented a report of the Committee reporting Bill 162, *An Act to amend the Workers' Compensation Act*, as amended. The Committee had concluded its business on the Bill on July 10 when government members determined that clause by clause consideration of the Bill was not proceeding and moved a motion in Committee that the Bill be reported. After debate, that motion passed.

The debate in the House on the motion for the adoption of the Committee report continued from 4:05 p.m. on July 11 until 9:45 a.m. on July 12, at which point the motion to receive and adopt the Committee's report was passed.

Shelley Martel, New Democratic Party Critic for the Workers' Compensation Board, spoke for three and one-quarter hours, the third longest speech delivered in debate in the Ontario Legislative Assembly.

Reforms

Before the Legislature adjourned for the summer the three parties agreed on reforms that restricted bell ringing to no longer than 30 minutes in cases not specifically provided for in the Standing Orders; limited the presenting of petitions to 15 minutes; changed the order of routine business by moving consideration of "Motions" before "Petitions", and allowed a motion to adjourn a debate following Question Period. These changes were aimed at assisting a government to get its business through the House without prolonged procedural delays.

There will now be an election for Speaker and the number and duties of other presiding officers has been changed. There will now be a Deputy Speaker and Chairman of Committees of the Whole House, and a First and Second Deputy Chairman. The procedure for emergency debates has been repealed, replaced by a provision that gives 5 Opposition Days in each of 2 periods set down in a new parliamentary calendar, which establishes set dates on which the House will meet in each calendar year, subject to variation by the Speaker if such variation is deemed to be in the public interest. The Opposition Days will be distributed among the recognized Opposition Parties in proportion to their membership. On these days, with notice, the Opposition will set the agenda for debate in the House.

The Standing Committees' responsibilities have been changed significantly with the establishment of a Standing Committee on Estimates. This will free the time of the Standing Committees on Administration of Justice, General Government, Resources Development and Social Development to concentrate on the other matters referred to them. Sub-committees of these four Committees may consider matters relating to their mandate. The Sub-committee reports shall take precedence over other Committee business except government public bills. The reform package was passed on July 25 and when the Legislative Assembly resumes on October 10 it will be operating under the reformed Standing Orders.

Committees

The Standing Committee on Administration of Justice, chaired by **Robert Callahan**, completed clause by clause consideration of several Bills including Bill 187, *An Act to amend certain Acts as they relate to Police and Sheriffs*, which transfers responsibility for courtroom security to municipal police forces; and Bill 10, *An Act to*

control Automobile Insurance Rates, which sets a capped rate of increase in automobile insurance premiums, and requires the Ontario Automobile Insurance Board to monitor for compliance.

The Committee held public hearings on Bill 2, *An Act to amend the Courts of Justice Act, 1984*, and Bill 3, *the Court Reform Statute Law Amendment Act, 1989*. They would bring major structural and administrative changes to Ontario's trial court system, the first large-scale overhaul since 1981. A single trial court would be created with three informal divisions covering family law, civil law and criminal law.

The Committee also devoted considerable time to a review of the 1988 Report of the Ontario Provincial Courts Committee ("Henderson Report"), dealing with the issues of Provincial Court judges' salaries, benefits and allowances. The Committee is expected to make a report to the House following its further consideration of this matter during the summer adjournment.

The Committee will resume its public hearings with regard to Bill 4, *An Act to amend the Metropolitan Toronto Police Force Complaints Act*.

The Select Committee on Education, chaired by **Dianne Poole**, tabled its Second Report with its comments and recommendations resulting from its consideration of the matter of the length of the school year and the length of the school day. The Committee recommended that the Ministry of Education review the *Education Act* and regulations to ensure that boards have the flexibility to adjust semester lengths and minor variations in length of school year and day; the Ministry allow for, facilitate and assist in funding a representative sample of year round pilot projects; and the Ministry set out protocol for boards to follow when considering changes to the school year.

The Committee will deal with the financing of elementary and secondary

education in its next set of hearings during the summer adjournment.

The Standing Committee on General Government reviewed the final progress reports to the Ministry of the Environment of Inco, Falconbridge, Algoma Steel and Ontario Hydro on acid rain abatement programs. It is expected that the report will be finalized during the summer adjournment. The Committee will hold three weeks of public hearings on Bill 119, *An Act to amend the Ontario Lottery Corporation Act*, during the adjournment and may complete clause by clause consideration as well.

The Standing Committee on the Legislative Assembly, chaired by **Herb Epp**, continued its review of Election Laws and Process. The Committee held public hearings which culminated in the Committee tabling its First Report on Election Laws and Process on Wednesday, 19 July 1989. The report contains proposed draft legislation for an amended *Elections Act*. It includes provision for access to the polls for the disabled, the appearance of party affiliation on ballots and voting rights for the homeless. The Committee has invited all members of the Assembly to send comments on the draft legislation to the Chairman. In addition, the Committee met with **Murray Elston**, Chairman of Management Board of Cabinet to review his report on Freedom of Information and Protection of Privacy.

In the Second Session, the Standing Committee on General Government reviewed the final progress reports to the Ministry of the Environment of Inco, Falconbridge, Algoma Steel and Ontario Hydro on acid rain abatement programmes. It is expected that the Committee's report will be finalized during the summer adjournment. The Committee will also conduct 3 weeks of public hearings on Bill 119, *An Act to amend the Ontario Lottery Corporation Act*, during the adjournment and may complete clause by clause consideration as well.

The Standing Committee on the Ombudsman is to consider the denied cases of Farm "Q" Ltd. and Mrs. "H", the report of the Ombudsman on denied cases, and the Ombudsman of Ontario Annual Report 1988-89.

The Public Accounts Committee, chaired by **Ed Philip**, presented its First Interim Report 1989 in July. The report covers sections of the Provincial Auditor's report dealing with concerns over tax collection and unsatisfactory monitoring procedures by the General Welfare Assistance Program. The Second Interim Report 1989 in August dealt with the Ministry of Natural Resources - fire fighting facilities.

The Standing Committee on Resources Development will conduct one week of public hearings and will spend another week on clause by clause consideration of Bill 30, *An Act respecting Funeral Directors and Establishments*, and Bill 31, *An Act to revise the Cemeteries Act*.

The Standing Committee on Social Development held hearings on three government bills: Bill 124, *An Act to amend the Children's Law Reform Act*, Bill 5, *An Act to amend the Education Act* and Bill 211, *An Act to revise the Rental Housing Protection Act, 1986*. All three Bills have now received Royal Assent.

Another Bill, Bill 194, *An Act respecting Smoking in the Workplace*, was subject to a one-man filibuster by **Norman Sterling**. This Bill was the subject of public hearings in the Social Development Committee, but Mr. Sterling was not successful in getting his amendments accepted there. Accordingly, he has argued for his amendments again in Committee of the Whole House.

Other Matters

At the May 15 meeting of the Board of Internal Economy, a motion was passed completely banning smoking from the Legislative Precinct Buildings and the workplaces under the control and su-

pervision of the Office of the Legislative Assembly effective June 30, 1989.

The motion included a further paragraph with an incentive to stop smoking, offering a payment of up to \$100.00 per employee upon registration and completion of an approved Smoking Cessation Program.

The policy has been generally accepted with varying degrees of enthusiasm. On occasion you can notice a hand extended from certain windows holding a cigarette, or the occasional puff of smoke from certain windows.

Lynn Mellor
Committee Clerk
Ontario Legislative Assembly



The Third Session of the Twenty-first Legislature has developed, as promised, into a pitched battle over the government's policy of public participation. In the wake of the 17 day bell ringing episode over plans for a public share offering in the SaskEnergy subsidiary of Saskatchewan Power Corporation, the government appointed a commission to conduct public hearings. In the meantime the series of bills that created the controversy remain stalled on the order paper and the Minister of Justice, **Bob Andrew**, introduced a motion to amend division rules by restricting the length of time the bells could ring to one hour.

In his remarks to the Assembly, the minister argued that bell ringing goes against the principles of parliament and pointed out that only Saskatchewan and Ontario have failed to place limits on the ringing of division bells. The opposition denounced the proposal as anti-democratic and unilateral. The debate preoccupied about a dozen sitting days before an agreement was reached to refer the whole matter to the

Special Committee on Rules and Procedures.

Debate on Bill 20, *An Act Respecting the Reorganization of the Potash Corporation of Saskatchewan*, resumed to become the focus of the struggle over crown corporation privatization. In its efforts to secure the bill's passage, the government became almost single-minded in its purpose. Most other business was deferred in favour of Bill 20 debate and on July 26, after some 36 hours of debate, a motion to extend sitting hours to 8:00 a.m. to 11:00 p.m. daily was moved by the government. In moving the motion, the government said its aim was to expedite Bill 20's passage while increasing the number of hours available for debate. Opposition House Leader, **Dwain Lingenfelter**, argued that extended hours were a bully tactic designed to squelch the opposition. A compromise was eventually reached to exempt Tuesday and Thursday mornings to facilitate the sitting of the Standing Committees on Crown Corporations and Public Accounts.

In the course of the next week the debate continued, being interrupted only by the daily Oral Question Period. The opposition members showed their defiance with many speeches of over 10 hours duration. On August 4, after some 80 hours of debate, the government's deputy House Leader, **Grant Hodgins**, took the unprecedented action of moving a time allocation motion to restrict further debate. In citing its reasons for bringing forward such a motion, the government described the opposition as obstructionists. For its part, the opposition attacked the measure as draconian and anti-democratic. Debate on the time allocation motion ended on August 7 when closure, another first in Saskatchewan parliamentary history, was invoked to force a vote.

As a Special Order, consideration of Bill 20 continued for just over four sitting days. On the morning of Monday, August 14, Bill 20 was passed

ending 118 hours of debate and a most significant chapter in the province's legislative history.

The release of the 1988 Provincial Auditor's Report sparked two *prima facie* cases of privilege. In his report, Provincial Auditor **Willard Lutz** charged that the government had obstructed his office in fulfilling its statutory duties. Before debate was concluded on that issue, another case of privilege was brought forward concerning remarks made by the Minister of Justice about Mr. Lutz's professional conduct. After a week of debate, both motions were defeated on May 29.

Outside the chamber the standing committees continued their work with the most notable events occurring in the Public Accounts Committee. Review of the 1986-87 fiscal year came to a close but not before certain controversy arose when the committee's report prompted a debate in the house over the committee's recent difficult history. In light of the 1988 Provincial Auditor's Report, the committee then struggled over its agenda for the review of the 1987-88 fiscal year. The Crown Corporation Committee, in the meantime, managed to complete review of nearly half its agenda. Both committees continue to sit.

Following the end of the potash debate, the Assembly resumed its other business but not its regular hours. Extended sitting hours continued and in the ensuing nine sitting days, the various departmental estimates and subsequent appropriation bill passed, together with another 52 pieces of legislation. On the 106th days, some 36 days after expiration of members' 70 day sessional expense per diems, the House adjourned to the call of the Chair.

Gregory Putz
Committee Clerk
Saskatchewan Legislative Assembly