
Legislative Reports



New Brunswick

Since the prorogation of the New Brunswick Legislature on November 3, 1989, Standing and Special Committees have been active, the Legislative Library sponsored a series of noon-hour luncheon speakers, and New Brunswick initiated its first Legislative Internship Program.

The Special Committee on Social Policy Development, mandated to review the issues raised by school integration, met to prepare its final report which it expects to present to the Spring Session.

The Law Amendments Committee held public hearings to examine the *Discussion Paper Municipal Conflict of Interest Legislation*. Part One of the paper provides an overview of the province's current municipal conflict of interest legislation, as well as an interpretation of the legislation. Part Two identifies specific issues related to municipal conflict of interest legislation and presents a policy framework for new legislation which would establish a code of conduct for municipal officials in New Brunswick.

Also referred to the Law Amendments Committee was the paper *Strengthening Inshore Fishermen Associations* which states that "the Government of New Brunswick intends, through the Minister of Fisheries and Aquaculture, to take the necessary steps to insure the long term financial viability of inshore fishermen organizations." The resulting public hearings focused on the discussion of

proposed legislation to provide for source deduction of dues for inshore fishermen organizations, outside the collective bargaining process.

During January, the Standing Committee on Public Accounts considered departmental reports as well as the Public Accounts for the year ending March 31, 1989. Representatives from the recently registered Confederation of Regions Party, the New Democratic Party, the Progressive Conservative Party, and Members of the Legislative Assembly, questioned officials and requested additional information from the various government departments.

The Standing Committee on Crown Corporations is slated to meet with representatives and examine the respective annual reports of the provincial Crown Corporations during the second week in February.

During the fall, the Legislative Library convened three noon-hour talks for the Members of the Legislative Assembly, the public service and the general public. At the first lecture, held in October, Linda Dyer, President of Baseline Market Research, and Paul Willcocks, President of the *Telegraph Journal*, discussed the uses, interpretation and influences of polling. In November, Robert Marleau, Clerk of the House of Commons, discussed the effects of the *Report of the Special Committee on Reform of the House of Commons* (McGrath Report) on the House of Commons and on the committee system. In December, the final guest lecturer, New Brunswick political cartoonist Josh Beutel, showed slides and shared his political cartooning experiences.

New Brunswick's Internship Program will allow four individuals

under the age of twenty-five years to work for twenty weeks in the various departments of the Office of the Legislative Assembly.

In addition, the first Student Legislative Seminar is scheduled for March 23-25, 1990. Senior high school students from throughout New Brunswick will be brought to the capital city for three days to participate in an intense educational program on the Machinery of Government. This pilot project is jointly sponsored by the Government of New Brunswick, the Office of the Legislative Assembly and the Canadian Association of Clerks at-the-Table.

A mid-March opening of the Third Session of the Fifty-first Legislative Assembly of New Brunswick is anticipated.

Diane Taylor Myles
Research and Planning Officer
Legislative Assembly



Alberta

The Alberta Legislature did not sit during the fall of 1989. The spring sitting of the Twenty-Second Legislature is expected for March 1990.

Prime Minister Brian Mulroney has extended the term of Lieutenant Governor Helen Hunley by one year. Her five-year term was due to expire on January 21, 1990.

During November and December, the Select Special Committee on Electoral Boundaries held public hearings in towns and cities across Alberta. This all-party committee was

struck to develop rules to govern the setting of electoral boundaries. After the committee reports, an Electoral Boundaries Commission will be appointed to propose new electoral divisions as is required after every second general election.

The review panel studying conflict of interest guidelines for MLAs has been granted a second extension to February 15, 1990. The panel is chaired by the Chief Justice of the Provincial Court, **Edward Wachowich**.

Environment Minister **Ralph Klein** announced a major overhaul of Alberta's environment laws. The Minister intends to introduce draft legislation in the spring session. The *Alberta Environmental Protection and Enhancement Act* will consolidate and update existing legislation and include new sections on enforcement, spills and environmental assessment.

Other matters that may be dealt with in the spring session include changes to the *Landlord and Tenant Act*. New policies on hospitals and health care are also expected in response to reports by the Advisory Committee on the Utilization of Medical Services, chaired by Dr. **Mo Watanabe**, and the Premier's Commission on future Health Care for Albertans, headed by former provincial treasurer **Lou Hyndman**.

In January, **Harley Johnson** was selected as Alberta's fifth Ombudsman. At the time of his appointment, Mr. Johnson was a Superintendent for the Calgary Police Service. During the XV Olympic Winter Games in Calgary, he was manager of Olympic security. Mr. Johnson has a Master's Degree in Public Administration, and has served as a member of several national policy advisory committees on police and community involvement. Mr. Johnson was sworn in by the Speaker on February 1, 1990 at the Legislature.

Leslie Geran
Legislative Intern
Alberta



Ontario

The new Standing Orders now contain provision for a parliamentary calendar that outlines the days on which the House shall meet and the remaining time available for committee meetings during the calendar year. The Standing Orders stipulate that the House will not sit later than the third Thursday in December. In fact, the House adjourned on Wednesday, December 20, 1989 after sitting until midnight for three nights in a row. The last two weeks of the sitting saw major legislative activity. Twenty-eight bills had second and third reading and received Royal Assent including such important pieces of legislation as the *Commercial Concentration Act*, the *Courts of Justice Amendment Act*, the *Education Amendment Act*, the *Employer Health Tax Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Ontario Lottery Corporation Amendment Act* and the *Teachers' Pension Act*.

Changes to the *Legislative Assembly Act* passed before the Winter Adjournment, saw members' indemnities rise approximately 5.5%, from \$41,113 to \$43,374. Members' expense allowances also rose, from \$13,790 to \$14,548. New annual indemnities were established for Chairs of select committees, Vice Chairs of standing and select committees (\$5,313), the Chair of the caucus of the Party from which the Government is chosen (\$8,311), the Chair of the caucus of the Party recognized as the Official Opposition (\$8,311), the Chair of the caucus of every other Party that has a recognized membership of twelve or more persons in the Assembly (\$7,480), the Deputy House Leader of the Official Opposition (\$5,995) and the Deputy House Leader of every other Party that

has a recognized membership of twelve or more persons in the Assembly (\$5,450). Changes to the *Executive Council Act* also dealt with increased rates of pay for the Premier, ministers with/without portfolio and parliamentary assistants.

Two questions of privilege were raised by members in December. New Democrat **Richard Johnston** argued that disrespect had been shown to the House by public servants acting in a way that disregarded amendments that had been made to a bill in committee. In essence, property assessment notices prepared by the officials from the Ministry of Revenue ignored the right of Catholics to send their assessment to the public school system and presumed that all Catholics in business wished to send their taxes to the separate school system. The bill was amended at the committee stage to distinguish between Catholics who do and do not support the separate school system. Mr. Johnston argued that public servants were acting upon legislation before it had passed all the steps in the legislative process. The Speaker ruled that this was not a question of privilege, rather an administrative error and therefore did not amount to contempt of Parliament. The Speaker stated that it is perfectly valid for the public service to proceed with plans based on a bill that is already in the system in order to be able to act swiftly once the bill becomes law. It does, though, go without saying, that if a bill is amended during the legislative process the public service must take note and act accordingly. The Speaker was satisfied that the administrative error had been corrected.

Progressive Conservative member **W. Donald Cousens** also raised a question of privilege. He requested that the Speaker look into the circumstances that led to his being denied the right to be heard and to speak on matters legally and properly before the House. Mr. Cousens argued that during Committee of the Whole House consideration of Bill 46, *An Act to establish a*

Commercial Concentration Tax, the First Deputy Chair refused to recognize him when he was properly standing in his place. The Speaker will deliver his ruling when the House resumes in March.

Committees

The Select Committee on Education, chaired by **Sterling Campbell**, released its report on primary and secondary school financing in January. This is the third report of the Committee, whose mandate is to review various aspects of the provincial education system. The Committee examined the question of financing of elementary and secondary education in Ontario by hearing from educators, parents, students and ratepayers. It focused on three key themes: adequacy, equity, and accountability, and made 34 recommendations. The Committee recommended that the Ministry of Education consult with partners in education to determine a clear and understandable way of calculating the costs of providing education services mandated in the *Education Act*, and other related Acts, and develop a rational means of updating these cost calculations. It also made a number of recommendations concerning General Legislative Grants, such as funding for small and isolated boards, adult education, special education and native education. The Committee also recommended that the Ministry reinstate designated allocations for renovations of existing facilities. While the Committee recommended that property tax should be retained as a source of education revenue, it recommended that a task force examine options to make the tax base for funding more progressive.

The Standing Committee on Public Accounts, chaired by **Ed Philip**, continued its review of the 1988 Annual Report of the Provincial Auditor. As well, the Committee reviewed the special audits of Ontario Place and the

Ministry of Housing. The Committee's reports on the special audits and on sections of the Auditor's Report are expected to be tabled early in the new year. The Standing Committee on Resource Development, chaired by **Floyd Laughren**, conducted public hearings on Bill 208, *An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act*, in Toronto, St. Catharines, Hamilton, Timmins, Sudbury, Sault Ste. Marie, Kitchener, London, Windsor, Ottawa, Kingston, Thunder Bay and Dryden. The Committee then proceeded to clause-by-clause examination of the bill. This legislation must be reported to the House on March 26, 1990.

In December, 1989, the Administration of Justice Committee, chaired by **Robert Chiarelli**, concluded public hearings and clause-by-clause consideration of Bills 49 and 52, which provide for freedom of information and protection of individual privacy in municipalities and local boards. The Committee also completed hearings on a private members' public bill introduced by New Democrat **Mike Farnan** in 1988. Bill 145, *An Act to Prohibit the Sale of Gun Replicas*, was reported to the House as amended by the Committee. The purpose of the bill is to prohibit the sale of replicas of guns that might reasonably be mistaken for real guns in the commission of a crime.

During the Adjournment, the Committee scheduled 3 weeks of hearings for its review of alternative dispute resolution (ADR) in Canada and the United States. The aim of the study is to consider the extent to which Ontario public policy should develop and encourage alternative means for the resolution of disputes both outside and within the established court system. ADR covers a broad range of non-judicial measures for resolving conflicts, including: negotiation, mediation and arbitration, private judging, neutral expert fact-finding,

mini-trial, summary jury trial and moderated settlement conferences.

This will be the first time under the new rules that a standing committee will be setting its own agenda item. Traditionally, agenda items are referred to committees by the Assembly.

The Standing Committee on Estimates, chaired by **George McCague**, completed its deliberations on the 1989/1990 Estimates and rendered its report to the House in accordance with the Standing Orders. The Committee does not have any meetings scheduled during the Adjournment; however, it will meet to consider the selection of Estimates to be considered in 1990 shortly after the House resumes in March.

The Standing Committee on Government Agencies, chaired by **Norman Sterling**, completed a series of agency reviews and is expected to file its report during the Adjournment. The Committee met during February and March and began its review of nine more agencies, including the Workers' Compensation Appeals Tribunal, the Ontario Board of Parole, the Alcoholism and Drug Addiction Research Foundation and the Languages of Instruction Commission of Ontario.

The Order of the House referring the Ontario Human Rights Commission to the Committee for review is still under consideration. A failed attempt by Progressive Conservative Party critic **Margaret Marland** to have various former employees of the Commission, including the former Chief Commissioner, appear before the Committee led to the Opposition members walking out of the Committee proceedings. The Opposition claimed that the government was hindering the Committee from carrying out its mandate by refusing to allow these individuals to appear as witnesses.

During the month of November, the Standing Committee on the Legislative Assembly, chaired by **Herb Epp**, continued its consideration of matters

relating to members' services and security in the parliamentary precinct.

On January 23, 1990, the Committee began a comprehensive review of the *Freedom of Information and Protection of Privacy Act, 1987*. Section 67(1) of the Act requires the Committee to undertake a comprehensive review of the Act within 3 years of its proclamation and to make recommendations to the Legislative Assembly regarding amendments. The Committee began its review with a briefing by the Freedom of Information and Privacy Branch of Management Board of Cabinet and reviewed problem areas identified by the Information and Privacy Commissioner.

On December 20, 1989, a Select Committee on Constitutional and Intergovernmental Affairs, chaired by **Allan Furlong**, was appointed to consider Senate Reform. The Committee is to prepare a report for the House by October 15, 1990, in anticipation of the First Ministers' Conference tentatively scheduled for November 1, 1990. The Committee is empowered to travel anywhere in Canada and may meet concurrently with the House and during any adjournment. The completion of the report of the Committee is subject to the proclamation on or before June 23, 1990 of the Meech Lake Accord.

During the week of February 19, 1990, the Committee travelled to Ottawa for meetings with Senators **Lowell Murray**, **Allan MacEachen**, **Gerald Beaudoin**, **Norm Atkins**, **Arthur Tremblay** and the Clerk of the Senate **Gordon Barnhart**. The purpose of these meetings was to familiarize members with the current operation of the Senate and to discuss ideas and proposals for improvement. The Committee plans to travel to other provinces for further discussion on Senate Reform in the Spring or Summer of this year.

The Standing Committee on Social Development closed out the year dealing with a trio of bills relating to

education in Ontario. Bill 64, *An Act to amend the Education Act*, and Bill 65, *An Act to amend the Ottawa-Carleton French Language School Board Act*, were dealt with together. These Bills create a regime whereby members of a partnership or owners of a publicly traded corporation can now designate that a portion of the municipal tax paid by that organization for school purposes be forwarded to either the public or separate school board in the proportion to their ownership stake. This change makes it much easier for separate school boards to get a share of industrial and commercial assessment. Because of this change, it is expected that the amounts of municipal tax revenue going to separate school boards will increase, and public boards will suffer a decline. The government has promised, however, that no school board in the province will experience a decline in budget as a result of these measures and has designated that up to \$160 million be made available to supplement those boards that experience a loss due to 'pooling'.

Bill 66, *An Act to amend the Teachers' Superannuation Act and to make related changes to the Teaching Profession Act*, was dealt with by the Committee as its final item of business before the House adjourned. The bill establishes a Board to administer the teachers' pension plan, subject to direction from the government and final approval of any changes to the pension plan. Because the plan has an immense unfunded liability due to legislative changes to the plan in the 1970s, the government has committed itself to a 40-year payment plan which will cover the unfunded liability through monthly mortgage-style amortized payments from the Consolidated Revenue Fund.

The Select Committee on Energy, chaired by **Barbara Sullivan**, was appointed on 20 December 1989 to identify the extent to which current provincial energy policy affects carbon dioxide emissions, the potential for controlling, stabilizing or reducing

carbon dioxide emissions, and the types of public policy or programme initiatives to achieve the objectives of limiting the adverse environmental and economic impacts of carbon dioxide emissions. The Committee will also study all sectors of energy applications, including the industrial, commercial, residential, institutional and transportation sectors. The Committee expects to present its Interim Report by March 19, 1990 and its final report by Autumn.

The Standing Committee on Finance and Economic Affairs, chaired by **Steven Mahoney**, completed its public hearings on Bills 46 and 47. The former, *An Act to establish a Commercial Concentration Tax*, would impose a tax on large commercial structures, commercial parking lots and parking garages within the Greater Toronto Area and the latter, *An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act*, would establish a new employer health tax to replace Ontario Health Insurance Plan premiums. The Committee completed clause-by-clause consideration of Bill 46 and reported it to the House. Progressive Conservative and New Democratic opposition to Bill 47 slowed the clause-by-clause progress. This necessitated a Liberal motion that "The Committee proceed no further and report the Bill, with amendment, to the House". The bill was reported back to the House and final amendments were passed in Committee of the Whole House at 12:30 a.m. on December 19, 1989.

During the Adjournment the Committee engaged in its annual Pre-Budget Consultation. After hearing from interest groups and economic forecasters, the Committee plans to write a report that will be forwarded to the Treasurer for his consideration in the preparation of this Spring's Budget.

The Standing Committee on the Ombudsman, chaired by **Murad Velshi**, tabled its report on the expansion of jurisdiction of the Office of the Ombudsman. The Committee looked at two questions. Is there a need for expansion of the jurisdiction of the Ombudsman in Ontario to include other provincially-constituted organizations? If so what is its scope and who should perform the function covered by the expanded jurisdiction? The Committee limited its review to public hospitals, children's aid societies and the Ontario New Home Warranty Program. The Committee concluded that there was no need for expansion of the jurisdiction of the Ombudsman into any of these areas. The New Democratic party members of the Committee issued a dissenting opinion saying that there was a need to expand the jurisdiction of the Ombudsman into each of the three areas.

The Standing Committee on General Government, chaired by **Harry Pelissero**, held public hearings on Bill 36, *An Act to revise the Public Service Superannuation Act*. This Act continues the existing pension plan with certain changes. Changes will be made respecting who is eligible to become a member of the plan, the level of contributions required under the plan and certain rules governing pension transfers and the purchase of credit under the plan. In addition the Act creates a Public Service Pension Board to administer the plan and pension fund. Custody of the pension fund will be transferred from the Treasurer to the Board.

The Committee began its consideration of Bill 68, *An Act to amend certain Acts respecting Insurance*. The purpose of the Bill is to establish the Ontario Insurance Commission, to provide for a no-fault benefits scheme and to establish a new dispute resolution system for resolving disputes related to no-fault benefits. Over the Adjournment, the Committee held hearings in Toronto, Sudbury,

Thunder Bay, Windsor and Ottawa. The Committee is required to report the Bill to the House on March 19, 1990.

Lisa Freedman
Committee Clerk
Ontario



Manitoba

In the middle of a rare, gentle prairie winter, the 2nd Session of the 34th Manitoba Legislature which resumed after a summer break on September 18, 1989, continues. On Day 119 the House exhausted the 240 hours available for consideration of Estimates. If the Session continues into April, it may challenge the record of 165 sitting days for the longest session in Manitoba's history.

Of the 96 Bills introduced at this session, to date 20 have received Royal Assent.

Among the more significant is *The Highway Traffic Amendment Act* which enacted on November 1 the toughest anti-impaired driving legislation in Canada.

This Act permits police to suspend immediately, for a period of up to three months, the driver's licence of anyone who registers a breathalyzer reading of .08 or over, or who refuses to submit to a breathalyzer test. As well, anyone caught driving while their licence is suspended will have the vehicle impounded for 30 days, regardless of vehicle ownership.

Minister of Highways and Transportation, **Albert Driedger** hoped the new legislation would produce a fundamental change in attitude toward drinking and driving, and driving while suspended. "It is this change in attitude which is fundamental to producing a significant reduction in the number of drivers who get behind the wheel when they are impaired, which will save the lives of hundreds of Manitobans and

greatly reduce as well the number of people who are injured in such car accidents," Driedger said.

Driedger said 20 American states currently operate similar programs, and the American experience was a 25 per cent reduction in the number of fatal injuries resulting from impaired driving.

The *Electoral Divisions Amendment Act* which received Royal Assent on June 26, 1989, did not increase the number of ridings in Manitoba but redistributed them, with a shift to more urban ridings and fewer rural ridings.

The House supported unanimously the recommendations of the Electoral Boundaries Commission, an independent body appointed every 10 years in Manitoba to review boundaries and recommend changes.

The amendments eliminate four urban ridings, Ellice, Fort Rouge, Logan, and Seven Oaks, and two rural ridings, Rhineland and Churchill. They create six new Winnipeg ridings, Broadway, Crescentwood, Point Douglas, Seine River, the Maples, and Wellington, and one new rural riding, Steinbach, as well as combining the ridings of Arthur and Virden.

Winnipeg now has 33 ridings, while rural Manitoba has 21 and northern Manitoba has three.

Premier **Gary Filmon** said the shift would still guarantee rural and northern Manitobans fair and adequate representation in the Legislature. Deputy Opposition Leader **Jim Carr**, however, mourned the loss of the historic name of his riding, Fort Rouge, which dates back to the fur trading era.

The *City of Winnipeg Amendment Act* was introduced by Urban Affairs Minister **Gerry Ducharme**.

The purpose of the Act, Ducharme said, was to improve the political structures and processes of local government and to expand citizens' rights in the local government.

Three main functions of the amendments are: to strengthen the role and authority of the mayor; to

restructure the composition of the Executive Policy Committee and clarify its responsibilities; and to create the position of a presiding officer to chair council meetings.

Ducharme said the Bill would strengthen the role of the mayor, by making that official the chairperson of the Executive Policy Committee and by giving to it the responsibility for appointing a deputy mayor, an acting deputy mayor, and the chairpersons of the four standing committees of council. The Executive Policy Committee will now consist of the four chairpersons of the standing committees of council, the mayor as chairperson, the deputy mayor, and four members elected by council.

Balance is achieved, Ducharme said, by having the mayor appoint five members of the EPC while council elects four.

The last major thrust of the amendment creates the position of presiding officer. "In chairing council meetings, the presiding officer will be responsible for maintaining order and decorum and deciding questions of order. The presiding officer would be entitled to participate in council debates, but would not be eligible to sit on EPC," Ducharme said.

On January 12, 1990, the *Municipal Assessment and Consequential Amendments Act* received Royal Assent. These amendments are an extremely complex piece of legislation 10 years in the making, designed to update an antiquated assessment system and to establish assessment standards at current market value, a more frequent assessment cycle, and province-wide property classes.

Rural Development Minister, **Jack Penner** said the legislation being replaced was drafted in the early 1900s when most Manitobans lived in rural communities.

Penner said over 80 per cent of Manitobans would either benefit from the amendments or experience only

marginal increases in their property taxes.

The Standing Committee on Municipal Affairs that considered the Bill in detail received over 40 representations from private citizens and municipal representatives from throughout the province, and agreed to 64 amendments to the Act.

Finance Minister **Clayton Manness** introduced on June 8 the Fiscal Stabilization Fund. Manness, in an announcement on June 5 said the fund similar to Alberta's Heritage Fund, is an important component of his government's long-term planning strategy and that it would create a more stable and responsible fiscal planning environment for the province.

The fund, initiated March 31, 1989 with the first deposit of \$200 million, will be used Manness said as a fiscal shock absorber and "will provide the fiscal stability for the Government to maintain existing programs and services, while at the same time proceed with tax reductions appropriate to Manitoba's circumstances."

"The Stabilization Fund," Manness said, "will allow the benefits from years of exceptional revenue growth to help balance years when that growth is not as strong", and added that money coming out of the fund would be used solely as a revenue transfer into the budget and would not be directed to specific expenditures.

An incident in the early hours of May 2, set the stage for precedent setting rulings by Manitoba's Speaker, **Denis Rocan**.

On that day Government Members of the Standing Committee on Economic Development, including Finance Minister **Clayton Manness**, walked out of the meeting after the defeat of an adjournment motion. A short time later the Chairperson recessed the meeting and left.

Liberal MLA **John Angus** (St. Norbert) raised the issue in the House on May 19 alleging that the Minister, the Chairperson and the Government

(PC) members of the committee were in contempt of the committee. Mr. Speaker Rocan heard brief arguments and took the matter under advisement.

On June 4 Speaker Rocan ruled that the house could not consider a matter of contempt alleged to have occurred in a committee until the matter had been brought to the attention of the House by a report from the committee. (See the Autumn 1989 issue for text of this ruling).

The matter was raised in the Standing Committee on Economic Development when it next met on October 3 and was reported to the House on October 4. Again Speaker Rocan heard brief arguments and took the matter under advisement.

On January 10 Mr. Speaker ruled that a *prima facie* case of contempt had been established and accepted a motion to refer the matter to the Standing Committee on Privileges and Elections for consideration and report which was carried on January 11.

That Committee met on January 13 and 20 and is still considering the matter.

Several Standing Committees of the House, notably Economic Development, Industrial Relations, Public Accounts and Public Utilities and Natural Resources met on a number of occasions to consider and report on the various Crown Corporations' Annual Reports and other reports which are referred to them by statute.

More recently the Standing Committees on Industrial Relations, Law Amendments, Municipal Affairs, Private Bills and Public Utilities and Natural Resources have been meeting very frequently to consider and report on Bills referred to them by the House.

In accordance with long standing Manitoba practice members of the public may appear before and make presentations to Standing Committees considering Bills.

Since the House reconvened on September 18 approximately 230 presentations have been scheduled for

persons appearing either as private citizens or representing particular organizations, regarding Bills being considered.

And the 2nd Session of the 34th Legislature continues.

W.H. (Binx) Remnant
Clerk of the House
Manitoba



House of Commons

A wise old Clerk of the British House of Commons once remarked, "What does it signify about precedents? The House can do what it likes." True to this innovative spirit, the House in Ottawa has been anything but dull from a procedural standpoint. Throughout the month of January, when Finance Minister **Michael Wilson** was attempting, with some difficulty, to bring forward the Goods and Services Tax legislation, a number of new procedures were resorted to in an effort to keep the House functioning normally.

On January 25, for instance, Secretary of State for External Affairs **Joe Clark's** plan to make a ministerial statement on Canadian foreign policy in Indochina was superseded unexpectedly when **Albert Cooper**, Parliamentary Secretary to the Government House Leader, moved that the House "proceed to Orders of the Day." Negotiations ensued on the floor of the House and it was eventually agreed that due to its important nature, the Minister's statement, together with the corresponding responses by **André Ouellet** for the Liberals and **Bill Blaikie** for the New Democrats, would be appended to that day's Hansard. This of course was unusual since the printed Debates are meant to be a record only of what was actually said, a policy heretofore adhered to very stringently, the only regular exceptions being

allowing lengthy motions to be taken as read and printing written questions and answers tabled in the House.

A few days later, on January 29, when the Finance Minister was scheduled to open the second-reading debate on the GST bill, he did so under the aegis of a special order which merits reproduction here:

By unanimous consent, it was ordered, - That, immediately after the completion of Routine Proceedings, the House proceed to Orders of the Day for debate on the motion for second reading of Bill C-62, *An Act to amend the Excise Tax Act*, the Criminal Code, the *Customs Act*, the Customs Tariff, the *Excise Act*, the *Income Tax Act*, the *Statistics Act* and the *Tax Court of Canada Act*; and

That, following the speech on the said motion by the Minister of Finance, further proceedings this day on the said motion and any amendment thereto be as follows and in this sequence:

— a speech (without time limit) by the Leader or designated spokesperson of each of the Official Opposition and the New Democratic Party;

— a period of one hour for questions and comments, directed to the Minister of Finance, following the format used in Question Period;

— a deemed adjournment of debate, without further debate or question put, on the said motion and any amendment thereto;

— a deemed adjournment of the House until 11:00 o'clock a.m. on Tuesday, January 30, 1990, without further debate or question put on such motion for adjournment;

Provided that, for the remainder of this day, no dilatory motion shall be receivable by the Chair.

This novel approach to dealing with a contentious piece of legislation

resulted in all parties achieving many of their objectives while also allowing outside observers to witness lively and informative exchanges.

Broadcasting

The Standing Committee on Privileges and Elections released its report on the House's Broadcasting policy and the CPaC (Canadian Parliamentary Channel) proposals December 31, 1989. The report recommended a liberalization of the now-strict House broadcast rules, endorsed the idea of televising committee proceedings and gave its support to the CPaC group's proposal.

On February 23 the House unanimously endorsed the principle of the CPaC proposal as it had been presented to the Standing Committee on Privileges and Elections, "on the understanding that CPaC will broadcast the proceedings of the House of Commons, as well as any other proceedings that are provided to it by the House."

Stay tuned.

Committees

In a startling revelation last December, RCMP Commissioner Norman Inkster stated that 15 Members of Parliament were under active investigation by his force. This statement understandably caused grave concern among Members. The House wasted little time in taking action and established a Special Committee, chaired by **Marcel Danis**, and composed of a membership which includes party Whips, to: ...review the *Parliament of Canada Act* regarding the powers, duty and obligations of the Members of the House in relation thereto and regarding the authority, responsibilities and jurisdiction of the Board of Internal Economy.

The Committee held numerous meetings and tabled an interim report February 16. In addition to observations on matters as diverse as procedures relating to the execution of search

warrants, the use of telephones, deficiencies in the *Parliament of Canada Act* and the need for a new mechanism relating to Members' budgets, the Committee recommended the adoption of certain general principles.

Specifically, the Committee called on the House to reaffirm the following principles that apply to its Members:

- that the Board of Internal Economy is the authority which determines how the financial resources and administrative services provided by the House are to be applied and adhered to;
- that in the performance of a Member's activities and functions, a Member is entitled to financial resources and administrative services provided by the House, subject to the statutory authority of the Board of Internal Economy;
- that partisan activities are an inherent and essential part of the activities and functions of a Member;
- that a Member has the constitutional rights and immunities applicable to that office and independence in the performance of the activities and functions of that office free from interference or intimidation; and
- that a Member is allowed full discretion in the direction and control of the work performed on a Member's behalf by the Member's employees or independent contractors and is subject only to the authority of the Board of Internal Economy or the House of Commons in the exercise of this discretion.

The Committee also recommended that "the Board of Internal Economy recognize and apply these principles and reflect them in its orders."

A final report is expected by the end of June, when the Committee's order of reference, which has already been extended from March 5, runs out.

Marc Bosc
Committee Clerk
House of Commons

Senate

Five bills currently command the attention of the Senate. Bill C-16, *An Act to establish the Canadian Space Agency* and to provide for other matters in relation to space is presently before the Committee on Social Affairs, Science and Technology; the Committee on Energy and Natural Resources has Bill C-23, *An Act to amend the National Energy Board Act* and to repeal certain enactments in consequence thereof; Bill C-28, *An Act to amend the Income Tax Act*, the *Federal-Provincial Fiscal Arrangements and Federal Post-secondary Education and Health Contributions Act*, the *Old Age Security Act*, the *Public Utilities Income Tax Transfer Act*, the *War Veterans Allowance Act* and a related Act was referred to the Committee on Banking, Trade and Commerce; Bill C-25, *An Act to amend the Geneva Conventions Act*, the *National Defence Act* and the *Trademarks Act*, was referred to the Committee on Foreign Affairs; and finally, the Committee on Legal and Constitutional Affairs received Bill C-38, *An Act to amend the Federal Court Act*, the *Crown Liability Act*, the *Supreme Court Act* and other acts in consequence thereof.

Committee Reports

The Standing Senate Committee on Fisheries tabled its long-awaited report on the East Coast fisheries on December 20, 1989. The Committee has toured the East Coast extensively, holding public hearings in all five Atlantic provinces. While the Committee's mandate was to study the marketing of fish in Canada, its report explores resource management issues as well. Among its many recommendations, the report includes a suggested cull of the grey seal population; measures to curtail foreign overfishing; and advice on action to be

taken by industry and government to promote Canadian fish products. For a copy of *The Marketing of Fish in Canada: The East Coast Fishery*, please write the Director of Information Services, the Senate, 140 Wellington Street, Ottawa, Ontario, K1A 0A4.

The recommendations of the report of the Standing Senate Committee on Social Affairs, Science and Technology on Bill C-3, *An Act to establish the Department of Industry, Science and Technology*, to repeal the *Department of Regional Industrial Expansion Act* and to make consequential amendments to other acts were included in the message to the House of Commons, acquainting them of the passage of Bill C-3.

A significant milestone in the ongoing debate over the respective role of the Senate and the Commons in financial matters was set February 13, 1990. The Standing Senate Committee on National Finance tabled a report which examined the question of how the use of the Royal Recommendation has evolved in Canadian parliamentary practice. In summary, the Committee found that the Royal Recommendation has become ill-defined and arbitrarily employed, without clear guidelines for its use. Moreover, the Committee was concerned by the fact that the Royal Recommendation is only included with a bill at first reading in the Commons, thereby leaving the Senate in the dark as to whether or not they are dealing with a "money bill" when it arrives in the Senate. Anyone wishing to examine the report of the Committee may refer to the *Debates of the Senate* for February 13, 1990 where it is printed as an appendix, or they may write the Clerk of the Committee, Standing Senate Committee on National Finance, 140 Wellington Street, Ottawa, Ontario, K1A 0A6, for a copy.

Another committee, however, grabbed the lion's share of attention. The Special Committee of the Senate on Bill C-21, *An Act to amend the Unemployment Insurance Act* and the

Employment and Immigration Department and Commission Act, heard 105 witnesses, including those who appeared before the Committee in St. John's, Newfoundland and Canso, Nova Scotia, during public hearings in those two cities.

The Committee reported the bill to the Senate with amendments. In the ensuing debate over the acceptability of the amendments, Senator **Alan J. MacEachen**, Leader of the Opposition in the Senate referred to the problem that — as identified in the National Finance report tabled earlier — the form Royal Recommendations take today make it impossible to identify any appropriations proposed in Bill C-21. Moreover, he argues, no appropriations in fact exist, leaving the bill open to amendment since it simply amends an existing statute and does not propose an appropriation. Consequently, Senator MacEachen argued, it was competent of the Senate to amend the bill. The Speaker ruled that eight of the

amendments were in order since they made no charge. On the last two, however, the Speaker, after consulting Department officials and independent economic consultants, determined that they were out of order. While admitting his ruling was based on certain assumptions, the Speaker felt that in certain circumstances the amendments would have the effect of increasing the payments made over and above those of the parent act.

Contingent to the struggle between the Senate and the Commons over Bill C-21 was the debate over Bill S-12, *An Act to amend the Unemployment Insurance Act*. This bill was designed to extend the variable entrance requirements beyond January 1, 1990 in order that applicants not be hurt by any delay in the coming into force of Bill C-21. Using a device normally envisaged as a way for the Government to introduce a money bill in the Senate, Senator MacEachen "red lettered" S-12. In other words, the clause of the

bill incurring an expense was printed in italics and sent to the House of Commons technically blank, leaving it to a Minister to apply a Royal Recommendation and write in the clause at that time. S-12 was rejected by the House of Commons which is now in possession of C-21. The Senate awaits their reaction.

Special Study

The Standing Senate Committee on Social Affairs, Science and Technology will undertake a special study on the Problem of Illicit Drug Use. The Committee, chaired by Senator **Lorna Marsden**, is to report by June 29, 1990. For information, please contact the Clerk of the Committee, 140 Wellington Street, Ottawa, Ontario, K1A 0A4.

Blair Armitage
Committee Clerk
The Senate