
Legislative Reports

Northwest Territories

On October 15, 1991, territorial elections were held to fill the 24 seats in the Northwest Territories Legislative Assembly. The results are found elsewhere in this issue.

Highlights of Last Session

During the Eighth Session, the 11th Legislative Assembly amended the *Legislative Assembly and Executive Council Act* to include conflict of interest guidelines for MLAs.

Under the previous legislation, MLAs were only required to declare a conflict of interest if they had direct or indirect financial interest in any matter in which the Legislative Assembly or a committee of the Assembly was concerned, and were to refrain from participating in any discussions regarding the matter in question.

The previous legislation also placed the onus on the public for detecting any breach of the conflict of interest legislation and subsequently applying to the Supreme Court for a decision.

Under the new guidelines, a financial disclosure system was established under which MLAs are required to file a list of all assets, liabilities and financial interests with the Clerk of the Legislative Assembly on an annual basis. The Clerk will prepare a disclosure statement listing the nature of these

assets and make the statement available to the public.

The amended guidelines also prohibit MLAs from using information or influence gained through their offices for personal benefit.

Members, their spouses and dependent children are not permitted to hold government contracts during their term of office. Spouses and dependents are, however, permitted to be employed by the Government of the Northwest Territories. Spouses and dependents of Ministers and the Speaker are prohibited from being employed by the department that their spouse is directly responsible for.

Ministers and the Speaker will be restricted from operating a business or from outside employment during the member's term of office. After they cease to be a Minister or Speaker they are restricted for 12 months from holding a contract with or lobbying for remuneration with a government department they were responsible for during their last 12 months.

As in the previous legislation, there are provisions calling for disclosure and withdrawal on matters being discussed by the Legislative Assembly, committees, Executive Council or the Management and Services Board in which the MLA has a conflict of interest.

All members are prohibited from accepting remuneration or gifts in connection with their duties. They can accept gifts received in the line of duty as a matter of protocol or social obligations. Any gifts valued at more than \$400 become the

property of the office and not the member.

The guidelines also establish an enforcement system. Complaints of conflict of interest will be examined by investigators appointed by a Standing Committee on Ethics and Conflict of Interest. The investigators will inquire into the matter and either dismiss the complaint or refer it to the committee for a full, public hearing. If the committee finds that the member contravened the Conflict of Interest provisions, it can recommend to the Legislative Assembly any of a wide range of sanctions including declaring the MLA's seat vacant.

The legislation is not designed to replace previously existing civil remedies and criminal sanctions which continue to apply to the conduct of all MLAs. The new law establishes a code of conduct and additional sanctions appropriate to the public trust placed in MLAs.

Partners in Constitutional Development

The Government of the Northwest Territories and aboriginal people want to be partners in the development of Canada's Constitution. That was the message **Michael Balfantyne, Richard Nerysoo and John Ningark** of the NWT Special Committee on Constitutional Reform brought to Ottawa on May 1, 1991.

Appearing before the Special Joint Committee of the Senate and House of Commons on the Process of Amending the Constitution of Canada, the three NWT politicians stated that for 10 years, they have

sought an equal voice with other Canadians.

Chairman Ballantyne and Mr. Nerysoo and Mr. Ningark of the NWT Special Committee on Constitutional Reform suggested that a national plebiscite would provide federal and provincial governments with the necessary mandate to initiate constitutional reform.

Mr. Ballantyne outlined six principles which the Special Committee on Constitutional Reform believed should be entrenched in federal, provincial and territorial legislation and used to govern the amending process:

- Governments must have a clear mandate to proceed with any fundamental changes to the Canadian Constitution.
- Any new amending formula must guarantee that Canadians will be involved at all stages of significant constitutional amendment.
- Any new amending formula must ensure that a significant majority of members of each legislature are required to ratify amendments. A free vote would be part of this approach.
- Any new amending formula must clearly and carefully balance the role of the executive arm of the government with the role of Canadians and their elected representatives sitting in legislatures.
- Aboriginal nations must have a guaranteed role in any constitutional amendment process that affects aboriginal interests.

- Any changes to the current amending formula or any new formula must provide for the involvement of territorial residents and their elected representatives in matters that directly affect constitutional developments in the territories and the role of territorial residents in national affairs. Any new amending formula that might involve regional representation must recognize the Northwest Territories and Yukon as a distinct region within Canada, and not as an interest group to be consulted in some other, less formal way.

Site Dedication Ceremony

The Legislative Assembly held a dedication ceremony June 27, 1991, on the site where the Assembly's new building is being constructed.

The new Legislative Assembly is scheduled to open during the summer of 1993.

More than 100 dignitaries, invited guests and members of the public turned out for the ceremony, held at the site of the new Legislative Assembly near the Prince of Wales Northern Heritage Centre.

Residents of the NWT - the only Canadians without a permanent Legislative Assembly building - will no longer have to pay rent on temporary facilities. Commissioner Norris added that residents of the NWT will benefit from the new building through improved services for MLAs.

The New Session

More than 76 percent of 21,021 eligible electors (16,053) turned out to vote on October 15. Two new electoral districts were created

while two former districts disappeared. The new districts are Yellowknife Frame Lake and Keewatin Central, the latter consisting of the communities of Rankin Inlet and Whale Cove. Rankin Inlet was formally part of the electoral district of Aivilik, while Whale Cove was part of Kivallik.

Pine Point and Hudson Bay were the electoral districts which were eliminated. Hudson Bay was incorporated into the electoral district of Baffin South. The electoral district of Pine Point was eliminated due to the closure of the mine and town of Pine Point.

Following the election all 24 MLAs gathered at the Legislative Assembly Chamber in mid-November to meet in public as the Territorial Leadership Committee, and for the First Session of the 12th Assembly.

Members of the 12th Legislative Assembly made a significant departure from tradition when they decided to make public the process for selecting the Speaker, Government Leader and Executive Council. The decision was in response to a public call for more open and accountable government.

On Tuesday, November 12 the Leadership Committee elected Yellowknife North MLA Michael Ballantyne as Speaker. Later that day, the MLAs elected Nunakput MLA Nellie Cournoyea as Government Leader - the first Aboriginal woman to hold such a post in Canada. Prior to the election by secret ballot, Ms. Cournoyea and Sahtu MLA Stephen Kakfwi fielded question from the remaining 22 MLAs for more than four hours.

On Wednesday, November 13, the remaining seven members of the Executive Council were elected by all 24 members. Government Leader Cournoyea announced ministerial assignments for her eight-member Cabinet on November 22.

The First Session of the 12th Assembly opened November 13. Commissioner **Dan Norris** said in his Opening Address that he believed it was an appropriate occasion to note the rapid nature with which changes and improvements to the shape and size of the Legislature have been achieved in the Northwest Territories.

Commissioner Norris noted that in 1951, there were only three elected Members on the Northwest Territories Council. The number of elected members, as opposed to those appointed by Ottawa, continued to increase over the years until 1975 when residents of the NWT went to the polls to choose a fully-elected, 15-member Legislative Assembly. In 1986, the Government Leader assumed chairmanship of the Cabinet.

Brad Heath
Communication Services
NWT Legislative Assembly

New Brunswick

The year 1991 was the fourth and final year of the historic one-party Legislative Assembly. The Spring Session of 25 days represented one of the shorter sessions in the history of the province. On August 22, 1991, the 51st Legislative Assembly was dissolved.

Final results of the election held on September 23 were: Liberals, 46; Confederation of Regions, 8; Progressive Conservatives, 3; and New Democrats, 1. Both the Leader of the Progressive Conservative Party, **Dennis Cochrane** and New Democratic Party Leader **Elizabeth**

Weir were elected to the Legislative Assembly while Confederation of Regions Party Leader **Arch Pafford** lost his election bid in the riding of Miramichi-Newcastle.

The election resulted in the defeat of three Liberal Cabinet Ministers: Deputy Premier and Minister of Intergovernmental Affairs, **Aldéa Landry**, former Minister of Commerce and Technology and Chairman of the New Brunswick Power Corporation, **Al Lacey**; and Minister of Municipal Affairs, **Hubert Seamans**.

Two weeks after the election, which saw the Confederation of Regions emerge as the Official Opposition, Premier **Frank McKenna** unveiled his new Cabinet. In an effort to trim the size of the bureaucracy, and to improve efficiency, Premier McKenna combined several government departments, thus reducing his 24-Member Cabinet to 18.

Premier McKenna became President of the Executive Council and Minister responsible for the Regional Development Corporation, in addition to his existing responsibilities as Minister responsible for the Advisory Council on the Status of Women.

For the first time in New Brunswick's history, a woman has been named Speaker designate of the Assembly. Speaker designate **Shirley Dysart**, a former teacher, was first elected to represent Saint John Park in 1974. She was re-elected in 1978, 1982, 1987 and 1991. She served as Interim Leader of the Liberal Party for two months in 1985. She was appointed Minister of Education on October 27, 1987 and served in that capacity until October 8 when she was nominated Speaker, succeeding **Frank Branch**. Mrs. Dysart's appointment brings to five the number of women in



Hon. Shirley Dysart

Cabinet level positions, an all-time high in New Brunswick.

To deal with the expected increase in workload and to make scheduling of legislative duties easier, Premier McKenna designated two Deputy Speakers; **Michael McKee** and **Reg MacDonald**.

Since 1988, the McKenna government has adjourned the Spring Session of the Legislature to a fall date, allowing for the early introduction of the Capital Budget. On October 17, Government House Leader **J. Raymond Frenette** announced that the First Session of the 52nd Legislative Assembly would open on February 11, 1992. By holding a February sitting - the first in 25 years - the government plans to continue the practice of introducing the Capital Budget in advance of the fiscal year.

Loredana Catalli Sonier
Clerk Assistant
New Brunswick Legislative
Assembly

Ontario

The Fall meeting of the House, which began on September 23, has been marked by developments on the constitutional front, the government's efforts to deal with the lingering recession, Speakers' rulings on the propriety of police visits to the Legislative Building, changes in ministerial and parliamentary responsibilities, and a busy committee schedule.

On the first day that the House met, **Mike Farnan** was appointed First Deputy Chair of the Committee of the Whole House. **Murray Elston**, elected as interim leader of the Liberal Party earlier in the Summer, was recognized as the Leader of the Opposition. On November 19, **James Bradley** became the new interim Liberal Leader and Leader of the Opposition.

The government made three major announcements concerning the Ontario economy. On September 23, Premier **Bob Rae** informed the House that economic renewal would be the focus of his government's efforts. He stated that the Ontario government would seek to improve the climate for job creation and investment, and to increase the level of trust between the federal and provincial governments. He also informed the House that he would be meeting with the Premier's Council on Economic Renewal to discuss the economy and to ask for its advice on economic policy.

On October 2, Treasurer **Floyd Laughren** informed the House that the government would reallocate funds in order to meet the increased

cost of social assistance, firefighting in northern Ontario, and pensions for Ontario teachers, all of which have become more costly than anticipated due to prevailing economic conditions. Additional funding will also be provided for farm assistance and the Ontario Human Rights Commission. The Treasurer also announced that economies would be secured by reducing operating budgets for the ministries; by ministries having to absorb a portion of their current salary budgets; and by delaying funding for local school boards, the new wage protection programme, and pay equity. The Treasurer indicated that these measures would enable the government to deal with the recession, ensure greater equity and fairness, and promote economic renewal.

On November 19, Mr. Laughren informed the House of changes in the province's revenue picture as a result of the decline in personal income tax revenues. He informed the House that the province would be eligible for federal adjustment payments which would help offset some of the revenue loss. However, the province would still be left with a shortfall for this fiscal year's budget. Therefore, the Treasurer announced that there would be a freeze on certain purchases by all ministries; the province would be selling its share in SkyDome; and the province would be selling surplus properties and receipts of dividends from Crown corporations. Mr. Laughren was confident that these measures would enable the province to manage its fiscal pressures.

On the constitutional front, the Premier made a major announcement in the House on September 26 concerning constitutional reform and the federal constitutional proposals. He summarized the basic principles that the government con-

sidered important in dealing with the issue of constitutional reform. First, the process of reform had to be open, and had to involve all Canadians. Second, the process of constitutional reform had to strengthen the unity of the country. Third, the Constitution had to allow all Canadians to see their interests and aspirations reflected in it. Fourth, the Ontario government had to continue to develop a comprehensive network of social programs. Finally, the economy had to continue to play an important role in addressing the problems of national unity. In closing, the Premier reiterated that the federal proposals and constitutional reform would be the subject of intense negotiations and discussions.

On November 25, Lieutenant Governor **Lincoln Alexander** gave Royal Assent to 32 bills. The Premier, the Leader of the Opposition and **Don Cousens**, on behalf of the Leader of the Progressive Conservative Party, paid tribute to Mr. Alexander as it was probably the last time he would enter the Chamber as the Lieutenant Governor. Twenty-two of the bills that received Royal Assent were related to the health professions. Of great interest to the health profession was an amendment to Bill 43, *An Act respecting the regulation of Health Professions and other matters concerning Health Professions*, which gave native Indians greater autonomy in providing traditional aboriginal healing services. Another of the bills which received some media attention was Bill 56, *An Act respecting the regulation of the Profession of Midwifery*, which established the College of Midwives of Ontario, and recognized midwifery as a profession.

Bill 115, *An Act to amend the Retail Business Holidays Act and the Employment Standards Act in respect of the opening of retail business*

establishments and employment in them, also received Royal Assent on this day. The bill allowed for the opening of retail stores on Sundays, during the month of December.

Speaker's Ruling

On October 15, Murray Elston raised a question of privilege in the House, concerning a visit by members of the Ontario Provincial Police to his office in the Legislative Building. Mr. Elston felt that the visit prevented him from carrying out his work and that it infringed on his parliamentary privileges. On October 17, Speaker David Warner ruled that no privilege had been breached, but indicated that "police forces cannot, as of right, interview an occupant of the legislative precinct"; they had to obtain the consent of the Speaker. In closing, the Speaker stated, that in future, the failure to comply with the procedure set out in his ruling might constitute a breach of privilege or a contempt. In a related ruling delivered on October 23, the Speaker indicated that his authority did not extend beyond the legislative precinct with respect to a question of privilege raised by James Bradley.

Committees

The Select Committee on Ontario in Confederation, under its new Chair, Dennis Drainville, continues to be very active. It conducted four weeks of hearings during July and August. After the hearings at Queen's Park, the Committee split into two groups and travelled to western and northern Canada to hold informal meetings with legislators from other jurisdictions. Similar meetings were held in Atlantic Canada and Quebec.

From October 17 to 19, the Committee sponsored a conference in Toronto which was attended by 130 delegates, representing a broad cross-section of social, economic, and cultural groups and organizations. Several members of the legislature also participated in the conference. The delegates discussed a broad range of constitutional topics in a series of workshops. A report on the conference was prepared by the facilitator and will be used by the Committee to help guide them in preparation of their final report.

The Committee also held a joint meeting with the federal Special Joint Committee on a Renewed Canada in the Legislative Chamber at Queen's Park. The meeting allowed members of both committees to exchange their views on constitutional issues.

After the release of the federal constitutional proposals, the Committee held hearings throughout the month of November to hear from selected organizations. The Committee examined Ontario's role in relation to the proposals put forward by the federal government. The Committee is expected to report to the House in February 1992.

Over the summer, the Standing Committee on Finance and Economic Affairs, chaired by Ron Hansen, held hearings on the 1991-1992 provincial budget. The Committee has been working on a report to the House on the subject. In the near future, the Committee will likely be conducting pre-budget consultations, and will conduct a review of economic issues.

The Standing Committee on Administration of Justice, chaired at first by Drummond White, and more recently by Mike Cooper, held public hearings during the Summer Adjournment to consider Bill 115, *An Act to amend the Retail Business Holidays Act and the*

Employment Standards Act in respect of the opening of retail business establishments and employment in them. The Bill seeks to amend the *Retail Business Holidays Act* with respect to the operation of retail business establishments on Sundays and other holidays and to amend the *Employment Standards Act* with respect to employment in retail business establishments. The Committee held hearings in Collingwood, Thunder Bay, Sudbury, North Bay, Ottawa, Kingston, Peterborough, Windsor, London, Hamilton and Toronto. The Committee is currently engaged in clause-by-clause consideration of the Bill.

The Committee anticipated holding public hearings on four interrelated bills. Bill 74, *An Act respecting the Provision of Advocacy Services to Vulnerable Persons*, seeks to establish a framework for the provision of social advocacy services to benefit persons who, because of disability, have difficulty in expressing or acting on their wishes or in ascertaining or exercising their rights. Bill 108, *An Act to provide for the making of Decisions on behalf of Adults concerning the Management of their Property and concerning their Personal Care*, deals with property management and personal care decisions made on behalf of mentally incapable persons. Bill 109, *An Act respecting Consent to Treatment*, deals with consent to treatment administered by health practitioners. Bill 110, *An Act to amend certain Statutes of Ontario consequent upon the enactment of the Consent to Treatment Act, 1991 and the Substitute Decisions Act, 1991*, would repeal the *Mental Incompetency Act* and amend 23 other Acts. The hearings on these bills are expected to continue into the Winter Adjournment.

The Standing Committee on Public Accounts, chaired by **Robert Callahan**, is continuing its review of drug and alcohol treatment centres. It is visiting treatment centres in the Toronto area. Half of the members of the Committee travelled to the United States during August to visit five treatment centres used by Ontarians. Since the start of the Session, the full Committee has continued this review. The Committee hopes to report on the facilities this winter.

The Standing Committee on Resources Development, chaired by **Peter Kormos**, considered Bill 70, *An Act to amend the Employment Standards Act to Provide for an Employee Wage Protection Program and to make certain other amendments*. The Committee held one week of public hearings and one week of clause-by-clause consideration.

At the request of its Conservative members, the Committee then examined the delivery of service by the Workers' Compensation Board under Standing Order 123, which permits a Committee to consider a matter designated by one of the Parties for up to 12 hours. This report will probably be released in November. At the request of its Liberal members, the Committee then examined the crisis in the oil and grainseed sectors of the agricultural economy under another Standing Order 123 designation. The Committee held public hearings on the matter, hearing from a number of agricultural groups. The Committee's report should be issued in November.

In August, the Standing Committee on General Government, chaired by **Remo Mancini**, completed public hearings on Bill 121, *An Act to revise the Law related to Residential Rent Regulation*. Clause-by-clause consideration of the bill commenced

in late October and continued in November.

The Committee also completed consideration of a matter designated pursuant to Standing Order 123 relating to the closure of 14 land registry offices in Ontario. The Committee completed a report on the matter on October 24.

The Standing Committee on Government Agencies, chaired by **Robert Runciman**, continued to spend much of its meeting time on the scrutiny of intended appointees to Ontario government agencies, boards and commissions. It also reviewed the operation of the Ontario Municipal Board, 2 District Health Councils, TVOntario, and the Eastern Ontario Development Corporation. A report is in preparation for presentation in the Fall meeting period.

The Standing Committee on the Legislative Assembly, under its chair, **Noel Duignan**, completed its three-year review of the *Freedom of Information and Protection of Privacy Act, 1987*.

The Standing Committee on Social Development has been conducting public hearings and clause-by-clause examination of Bills 43 to 64 inclusive, which regulate the health professions. On November 7, Bill 135, *An Act to provide for the Payment of Physicians' Dues and Other Amounts to the Ontario Medical Association*, was referred to the Committee. The purpose of the bill is to make the payment of amounts for the Ontario Medical Association's dues and assessments compulsory for all practising physicians. The Committee is in the process of reviewing the matter.

Tonia Grannum
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Committees Branch

Senate

June 18, 1991 saw the adoption of an omnibus package of amendments to the Rules of the Senate of Canada, marking a turning point in what has been a bitter procedural struggle between the Conservative and Liberal senators. Ever since the Liberals left the Government side of the Senate in 1984, they had used their considerable majority to confound the Conservatives' desire to see legislation passed in an expeditious manner. The passage of time slowly altered the balance of power in the Senate as the mandatory retirement age of 75 years left seats open to the Prime Minister to fill with individuals committed to supporting Government policy. When the Prime Minister requested the Crown to invoke Section 26 of *The Parliament of Canada Act*, allowing a further appointment of eight senators, which would give the Conservatives a voting edge in the Senate, it was initially assumed that the Government would at last have its will pressed home.

The Rules of the Senate, as they were then constituted, did not foresee the need for a formal method of ensuring that the business of the Senate came to an efficient conclusion. As a result the Liberals used procedural manoeuvres to retard the business before the Senate. After one tactic, which left the bells of the Senate ringing unheeded, Speaker **Guy Charbonneau** took the controversial decision to set an arbitrary limit on the ringing of the bells and the vote took place without the Liberals in attendance. Provisional rules negotiated and agreed upon by both Parties saw the Senate

through the remaining debate over the GST and other contested legislation and the year ended in an uneasy sense of apprehension.

Prorogation of the 2nd Session of the 34th Parliament left the Senate with its old rules. The Conservatives' response was the First Report of the Standing Committee on Rules and Orders, presented to the Senate June 11, 1991.

The primary focus of the amendments proposed and subsequently adopted was the orderly, unimpeded progression of the Senate's daily business, especially that determined to be "Government Business". To this end, strict time limits with little or no room for extension are in place to govern the flow of business past Senators' Statements, Routine Business, Question Period and Delayed Answers to Questions in order that the item Government Business might be reached, within a certain amount of time. Aside from the time limits mentioned above, further restraints on how questions of privilege and points of order may be raised, when they may (or may not) be raised and when they may (or may not) be dealt with were instituted. Furthermore, the Speaker is now empowered to intervene directly in debate without the invitation of a member and to render a ruling without invitation from a member. Prior to the amendments, it was a matter of contention whether this were the case or not and now, in addition to this clearly defined role of intervention, the speaker may, if he or she deems the situation warrants it, suspend the sitting of the Senate for a period not exceeding three hours in order to allow tempers to subside.

Another rule change of note enshrines the prestudy of bills as an acceptable procedure. Immediately

upon being named Leader of the Opposition in the Senate, Senator **Allan J. MacEachan** has led the opposition to the established practice of sending an order of reference to committees of the Senate directing them to study subject matters which related directly to legislation being studied in the House of Commons. As a result, the length of time needed for the passage of legislation was increased as senators required more time in committee with a bill, since they had not had the opportunity to familiarize themselves with the subject prior to the arrival of the bill. Defenders of returning to the traditional procedure of waiting for the arrival of legislation argue that hard work and valuable interventions, often incorporated in bills before they left the House of Commons, were going unnoticed and unacknowledged by the public. Proponents of prestudy argue that it speeds up the process and has a greater potential for influence since interventions made by the Senate are more likely to be favourably received when the bill is in committee in the House of Commons than after the House of Commons has gone through the long process of debate and compromise necessary to pass a bill.

Finally, the Standing Committee on Internal Economy, Budgets and Administration has been given a new standing order of reference. This committee, which is charged with the responsibility of reviewing the administration of the Senate and with formulating policies governing the administration of the Senate (subject to the adoption by the Senate of its reports) must now conduct its deliberations in public meetings. The committee will only be allowed to go *in camera* under specific circumstances.

Anyone interested in acquiring a copy of the new Rules of the Senate

of Canada may contact the office of the Deputy Clerk.

Committees

The prorogation of Parliament and the subsequent advent of the 3rd Session of the 34th Parliament had a profound effect on the committees of the Senate. As noted above, the balance of senators representing the Parties in the Senate changed dramatically from the balance at the beginning of this Parliament. When the Speech from the Throne was delivered and the Senate was in the process of some routine house keeping motions, the Conservatives moved the constitution of the Committee of Selection which would then sit to devise the assignment of senators to the various standing committees of the Senate. It passed without comment and the Conservatives had, by naming in the motion the senators sitting on the committee, gained ultimate control over that committee and, consequently, the balance of senators on the remaining committees. The Liberals, after realizing the import of this manoeuvre, protested.

In the Committee of Selection, Senator **Royce Frith** (then Deputy Leader and now Leader of the Opposition in the Senate) argued that despite the fact that the committee had been established by the Senate, it had been done at a time when senators were distracted by the upheaval that follows a Speech from the Throne and that past practice had been breached when actual names had been appended to the motion. Had he noticed this anomaly at the time, he argued, he most certainly would have objected. Furthermore, he argued, it had been improper of the Conservatives to assign themselves a clear majority on the committee when, in fact, they did not enjoy a clear majority in the Senate.

The Committee of Selection went ahead with its work, over the objections and subsequent withdrawal of the Liberals from the committee. The Conservatives decided to submit a report to the Senate naming senators representing the Conservative party in proportions that would give them a majority on each committee but, where the Liberals had not submitted names for given committees, the report also left the positions vacant. This gave an opening to Senator MacEachan to argue on procedural grounds that the report was flawed since it failed to conform to its duty to appoint a full complement of senators as demanded in the Rules. In addressing Senator MacEachan's point of order, the Speaker called attention to past reports which failed to nominate full complements and ruled that the numbers found in the Rules constituted a maximum number of senators, not an obligatory number.

The Liberals boycotted participation in all but a few of the committees of the Senate for a time. By December 1, 1991, the Committee on Privileges, Standing Rules and Orders was the only standing committee of the Senate for which there had been no Liberal senators nominated. The Joint Committee for the Scrutiny of Regulations was awaiting only the report of the Committee of Selection. The Fisheries Committee was the only committee without a Chairperson.

Of the committees that have forged ahead, a number have done some interesting work. The National Finance Committee, besides carrying on its regular work of examining estimates is looking into various aspects of Public Service 2000 and has had two separate representations from the Privy Council and expects to continue with Treasury Board, the Canadian Centre for Management

Development, the Forum on Public Policy and, after Christmas, other witnesses such as the Public Service Commission and the Auditor General.

It is the Joint Committee for the Scrutiny of Regulations, however, which has made something of a splash with its work. In its second report, the Joint Committee took the hitherto unprecedented step of recommending the revocation of a departmental regulation. The rules governing the mandate of the Joint Committee dictate that unless the Government responds with legislation to the contrary, the report of the Joint Committee is to be heeded and the relevant regulations revoked. After reviewing the regulations proposed by the Department of Agriculture, the Joint committee found that portions directly contravened the financial prerogatives of Parliament. When it rains, it pours. Close on the heels of the second report of the Joint Committee came its third report, which calls for the revocation of certain sections of the Indian Health Regulations. The Joint Committee found them to be in violation of the *Charter of Rights and Freedoms* and to fail the test of certain of the Joint Committee's scrutiny criteria.

Changes

Senator John Lynch-Staunton has succeeded Senator William Doody as Deputy Leader of the Government. Senator Frith has replaced Senator MacEachan as Leader of the Opposition, as mentioned above, and taking Senator Frith's place as Deputy Leader of the Opposition is Senator Gildas Molgat. Finally, Senator Jacques Hébert has assumed the duties of Whip for the Opposition from Senator William Petten.

Blair Armitage
Committee Clerk

House of Commons

If there was one theme which could be found in almost all of the actions and events in the House over the last three months it was respect for the dignity of our institutions and the rights of our fellow Canadians. Debates and discussions about gun control, violence against women, decorum and behaviour in the House of Commons, and the constitution and its effects on the relationships between aboriginals and non-aboriginals, the French and the English, the rich and the poor, the elected and their electors all, in one way or another, forced the Members of the House and Canadians to examine their treatment of others and the importance attached to it.

Members of the House of Commons using such terms as "slut" and "Sambo", alleging the use of other unparliamentary language and giving each other the proverbial finger reflected in the House the tension and malaise which can be found in the country at large. Some might argue that politicians are helpless to rectify this, but nonetheless recognize the need for some kind of action to be taken. On October 23, 1991, the Government thus introduced the following motion:

That this House recognize that it is the national forum for the consideration of issues and challenges facing all Canadians;

That this House recognizes that its Members were elected by the people of Canada to represent them in a manner which demands that individual Members respect one another and their

democratic right to express differing opinions;

That Canadians have expressed alarm at the excessive partisanship and lack of decorum and civility too often in evidence in the House;

That this House recognize that disruptive behaviour and verbal interruptions, including abusive language, leads to a depreciated view of and respect for the institution of Parliament and its Members;

That the Members of this House share in the responsibility of eliminating the use of offensive language or gestures directed at other Members either during Question Period, debate or otherwise in the Chamber; and

That this House supports the Speaker's vigorous enforcement of Standing Order 16(2) and Standing Order 18; in particular those portions which require that when a Member is speaking no Member shall interrupt him or her except to raise a point of order and that no Member shall speak disrespectfully or use offensive words against either House or any Member thereof.

Amendments moved to the motion included the following:

That the motion be amended by deleting all of the words after the word "offensive" and by substituting the following therefor:

—including sexist or racist language or gestures directed at other Members, either during Question Period, debate or otherwise in the Chamber; and

That this House confirms its support for Standing Orders 16 and 18, and other Standing Orders and practices of this House regarding decorum and reaffirms its confidence in the

Speaker's ability to enforce those rules and practices vigorously.

That the amendment be amended by adding the following words after the word "Chamber":

That party leaders, House leaders and Whips be responsible for the comportment of their caucuses,

And by adding the following words following the word "vigorously":

That this House express its continued support and appreciation to the Speaker for his excellent guidance of this Chamber.

At the time of writing, the motion remains on the *Order Paper* under Government Business, and has been debated on three separate occasions. Discussions of this motion, the establishment of a Speaker's advisory committee to examine sexism and racism in the House, the continuing examination of parliamentary rules and reform by the House Management Committee and two Speaker's rulings warning the House of the detrimental effects of unparliamentary language and of making allegations which could tarnish the reputations of others have all led to a heightened awareness of the effects of what is considered to be "unparliamentary" behaviour.

The importance of decorum in the House was also brought into the spotlight by the events following a vote. On the evening of October 30, Members were called in for a division on a Private Members' motion respecting the collection of income tax from senior citizens. Under the conventions of the House, a vote can be taken when the Government and Official Opposition Whips signal to the Chair that their parties are ready for the vote. At the request of the Whips, the bells ceased ringing before the customary 15-minute limit,

and several Members arrived at the Chamber to find that they were too late to cast their votes. Objections were raised that many Members had been denied the opportunity to voice their opinions on a Private Members' motion — the kind of motion usually dealt with in a non-partisan manner — but the Assistant Deputy Chairman of Committees of the Whole, **Charles DeBlois**, ruled that the vote had been conducted in accordance with the rules. After the Chair occupant declared the House adjourned, the Deputy Sergeant-at-Arms proceeded to the Table, picked up the Mace, the symbol of the authority of the House and the Speaker, and began to leave the Chamber. Port Moody—Coquitlam MP **Ian Waddell** then ran up behind him and grabbed the Mace. The following morning, several Members raised questions of privilege on the matter. After listening to Members from all parties, including Mr. Waddell, the Speaker ruled that there was a *prima facie* case of contempt of the House. **Jesse Flis** moved a motion suggesting a remedy to deal with the matter. A debate ensued, and the House ordered that at 3:00 p.m. that afternoon, Mr. Waddell would be called to the Bar to be admonished by the Speaker. This was the first time since 1913 that anyone had been called to the Bar for a reprimand.

Much attention was also given to the status of women in our society and to the many kinds of violence directed against them. Beginning with the announcement on August 15, 1991 of the establishment of a Canadian Panel on Violence Against Women, numerous events in and out of the House brought the issue to the forefront of debate. On October 29, 1991, Royal Assent was given to Private Member's Bill C-202, *An Act respecting a national day of remembrance and action on violence against women*. The law has

the effect of making December 6, the anniversary of the 1989 Montreal massacre of 14 women at L'Ecole Polytechnique, a national day of remembrance. Bill C-17, the gun control bill outlawing the kind of weapons used in the massacre, received Royal Assent on the evening of December 5. Finally, a week-long national white-ribbon campaign in which people, mostly men, wore white ribbons to call attention to the issue of violence against women ended on December 6, this new day of remembrance, and found the House unanimously supporting the following motion:

That the House of Commons endorse the White Ribbon Campaign by encouraging all men to wear a white ribbon to signal their support in the campaign against violence against women.

Also in this period, the Government tabled its response to *The War Against Women*, the report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women which was released in June. In the response, entitled *Living Without Fear, Everyone's Goal, Every Woman's Right*, the Government outlined its plans and the steps it has already taken to combat violence against women.

The House was seized over this period with many issues arising out of the activities of its committees and other investigatory bodies. Bill C-43, *Members of the Senate and House of Commons Conflict of Interests Act*, was introduced and a Special Joint Committee was established to pre-study the subject-matter of the bill; a Special Committee was established to review the certain sections of the *Customs Act*; and the Government tabled working papers entitled "Prosperity Through Competitiveness" and announced a Royal Commission on the Economy.

Finally, the Special Joint Committee on Government Proposals for a Renewed Canada, the committee established to examine the Government's constitutional reform proposals, grabbed the headlines when administrative difficulties led to calls by Opposition members for the resignation of one of its Co-Chairman, MP **Dorothy Dobbie**. The resignation calls were not heeded, but the Senate Co-Chair, well-known Quebec businessman **Claude Castonguay**, later resigned due to ill health. He was replaced by Senator **Gérald Beaudoin**, the constitutional expert and law professor who had co-chaired an earlier Joint Committee examining proposals for a constitutional amending formula. Administrative difficulties partially alleviated with the help of the same individual who helped revamp the troubled Spicer Commission, Veterans' Affairs Deputy Minister **David Broadbent**, the Committee resumed its work with a much reduced schedule and focus. Constitutional Affairs minister **Joe Clark** also announced a series of forums on constitutional topics to help deal with the issues in the Government's proposals. Conferences on the subjects of the division of powers, Senate reform, the distinct society and an economic union will be held early in 1992 in Halifax, Calgary, Toronto and Montreal respectively. A wrap-up conference in Ottawa will conclude the exercise.

On the legislative front, the following bills received Royal Assent:

- Bill S-3, *Seventh-day Adventist Church of Canada Incorporation Act amendment*;
- Bills S-6, *Metropolitan General Insurance Company Incorporation Act amendment*;
- Bill C-4, *Trust and Loan Companies Act*,

- Bill C-5, *Aeronautics Act amendment*;
- Bill C-10, *Excise Tax Act and Excise Act amendment*;
- Bill C-14, *Port Warden for the Harbours of Quebec and Montreal Act amendment*;
- Bill C-16, *Agricultural Products Marketing Act amendment*;
- Bill C-17, *Criminal Code and Customs Tariff Act amendment* (gun control);
- Bill C-18, *Income Tax Act amendment*;
- Bill C-19, *Bank Act*; Bill C-20, *Budget Implementation Act, 1991*;
- Bill C-23, *Canadian Wheat Board Act amendment*;
- Bill C-27, *Foreign Missions and International Organizations Act*;
- Bill C-28, *Insurance Companies Act*;
- Bill C-29, *Public Sector Compensation Act*;
- Bill C-30, *Criminal Code amendment (mental disorder) and National Defence Act amendment*;
- Bill C-34, *Cooperative Credit Associations Act*;
- Bill C-37, *Thunder Bay Grain Handling Operations Act*;
- Bill C-38, *Telesat Canada Reorganization and Divestiture Act*;
- Bill C-39, *Canada Pension Plan Act, Family Allowances Act and Old Age Security Act amendment*;
- Bill C-40, *Postal Services Continuation Act, 1991*; and
- Bill C-44, *Canada Labour Code amendment (geographic certification)*.

The following bills passed the House of Commons:

Bill C-12, *Young Offenders Act and Criminal Code amendment* and Bill C-280, *Canada Pension Plan Act amendment (disability pension)*.

Subject to the provisions of the Standing Orders and an Order of the House, the House of Commons is scheduled to resume sitting on February 3, 1992.

Barbara Whittaker
Procedural Clerk
Table Research Branch