

Legislative Reports

Saskatchewan

On October 21, 1991, Saskatchewan elected a new government with a substantial majority. Premier **Roy Romanow's** New Democratic Party took 55 of the 66 constituencies. Former Premier **Grant Devine** now leads a ten-member Progressive Conservative Official Opposition. The Liberal Party is represented in the Assembly by its leader **Lynda Haverstock**.

A ten member "transition" cabinet, which included six ministers without experience in the Legislative Assembly, was appointed on November 1. **Ed Tchorzewski** was named Deputy Premier, and Economic Diversification and Trade Minister, **Dwain Lingenfelter** was appointed as Government House Leader. **Bill Neudorf** serves as Opposition House Leader.

Election of Speaker

The First Session of the Twenty-second Legislature began on December 2 and the first order of business was the election of Speaker. It was the second opportunity to use the new rules for the election by secret ballot, which were adopted in April of 1991, but again the election was won by acclamation.

Speaker **Herman Rolfes** was born in Annaheim, Saskatchewan and



Hon. Herman Rolfes

educated at the University of Saskatchewan. A teacher by profession he has been active in politics for the best part of the last twenty years. He was first elected to the Saskatchewan Legislative Assembly in 1971 and then won

successive election in 1975 and 1978. He served in the Blakeney cabinet as Minister of Social Services, Minister of Continuing Education and finally as Minister of Health. In 1982, he lost his seat but was re-elected in the next general election four years

later. Prior to the last election, held October 21, 1991, he served as advanced education critic. On December 2, 1991, Mr. Rolfes was elected to the position of Speaker. He was the only candidate which once again precluded use of the secret ballot procedures adopted by the Assembly in 1991. Mr. Rolfes is Saskatchewan's nineteenth Speaker.

In his acceptance speech, Speaker Rolfes noted the public cynicism of politicians and democratic institutions and remarked that it is incumbent upon all Members to behave with dignity and decorum. **Harry Van Mulligen** was elected Deputy Speaker and **Glenn Hagel** was elected to the position of Deputy Chair of Committees.

Throne Speech

The Throne Speech, read by Lieutenant-Governor **Sylvia Fedoruk**, was brief and limited in scope. It was announced that the primary work of the Session would be to provide supply to the government for the remainder of the fiscal year in order to end any further need for funding by special warrants. The government had been operating on special warrants since the previous June, when the Assembly was adjourned before passing a budget. When in Opposition, Premier Romanow criticized the basis on which special warrants were being utilised. The Throne speech indicated that of necessity, the supply bill would be based largely on the previous administration's estimates and that the new government would present its own budget in early Spring of 1992.

Also announced in the Throne Speech was a Financial Management Review Commission to "open-up" the financial records of the province. This measure was immediately attacked by the official

opposition and the subject of a privilege case, which is described below. Agriculture was addressed by indicating that measures to safeguard the family farm would be initiated, including efforts to stabilise farm income and a plan to provide relief.

Legislation

In total, 19 bills were introduced of which 17 were passed into law. Most of the bills were of a house-keeping nature, many of which had been introduced the previous spring but not passed before the Assembly prorogued in June. Most noteworthy of the legislation in this category was an amending bill to reduce the mortgage subsidy offered by the government to home owners. The previous administration announced the measure early in 1991 but the legislation died on the order paper. At that point the government refused to reinstate the original programme. The legality of the government's position was challenged in court and it was ordered to either pass the legislation by the end of December or else reimburse home owners in accordance with the original programme. This judgement attached some urgency to reintroduce the bill, which passed third reading on December 19.

Taxation was a major issue during the last session and during the election campaign. The Throne Speech announced that the bill which "harmonised" the provincial sales tax with the federal government's GST, would be repealed in an effort to stimulate the Saskatchewan economy. Already the new government had advised merchants to stop collecting the expanded sales tax. The legislation was introduced and passed and came into effect on December 21.

In response to another election promise, the government

introduced an amendment to *The Legislative Assembly Act* to ensure by-elections within six months of a vacancy in a constituency. Also, two bills designed to re-establish a ward system for municipal governments were introduced and referred to the Standing Committee on Municipal Law for review. It is interesting to note that until December 1991, the committee had not met since 1959. Public hearings on the two bills are expected during January or February 1992.

A bill that created much controversy was Bill 18, *An Act to Provide for the Public Disclosure of Crown Employment Contract, to Prescribe Provisions in Crown Employment Contracts governing Payments and Benefits in Termination or Expiration of those Contracts, to Void Provisions in those Contracts respecting those matters and to Extinguish any Right Action and Right to Compensation for any Loss or Damage resulting for the Enactment or Application of this Act*. The purpose of the bill was to cancel severance provisions in the contracts of certain senior public servants and crown corporation executives. The bill also provided for the public disclosure of all individual Crown employment contracts.

The issue came about during the period immediately following the election when the government began reviewing the contracts of certain senior employees. It argued that the previous administration had entered into a number of secret employment contracts and that those contracts provided "unusually generous provisions in the event of voluntary resignation or involuntary dismissal." The President of the Saskatchewan Power Corporation, in particular, whose severance package was reported to be \$1.3 million, became the government's prime example.

The official opposition described the bill a "political vendetta" and criticised the government for eliminating any recourse individuals might have to the courts. Opposition House Leader **Bill Neudorf** claimed the bill to be an attack on individual rights and contrary to the *Canadian Charter of Rights and Freedoms*. Liberal Leader **Lynda Haverstock** compared the government's approach "to ploughing under a crop to kill a few weeds." Justice Minister **Bob Mitchell** responded by stating that the bill only precluded lawsuits if a person felt they were defamed by having their contract released publicly or had their severance cancelled. He said the government does not have legal impunity to slander employees in the course of their dismissal.

Procedural Issues

Even before the Throne Speech debate could begin, Opposition Leader Devine requested an emergency debate on the agricultural crisis in Saskatchewan. When the government took exception to the request by forcing a division, members of the official opposition let the division bells ring thirty minutes before allowing the vote. It would not be the last time the opposition Conservative members would use the division bells to express themselves. During debate over special procedures for the passage of a Supply bill, the division bells rang for some six hours. The Premier had anticipated a short two week "mopping up" session. However, it eventually took extended sitting hours and three weeks to complete the business agenda.

The Financial Management Review Commission noted in the Throne Speech came under immediate attack by the official opposition. The government had

claimed the commission to be independent and non-partisan but the official opposition insisted otherwise. Accordingly, the announcement that the Provincial Auditor had been invited to act as the commission's "special advisor" caused a controversy. Finance critic **Rick Swenson** raised a question of privilege that the government had derogated the independence of the Provincial Auditor by appointing him to the Commission. To make his case, Mr. Swenson argued that the commission's use of the Provincial Auditor impaired the ability of Members of the Assembly to carry out their scrutiny responsibilities.

Finance Minister **Ed Tchorzewski** had indicated that the Commission's report might be referred to the Standing Committee on Public Accounts for review. Mr. Swenson, who is also the Public Accounts Chairperson, asked in his privilege case how the Auditor, **Wayne Strelieff**, could act at once as the committee's chief advisor and investigator and also the commission's special advisor. The dual role, he said, necessarily prejudiced the Auditor's relationship with the committee and its Chairperson.

Mr. Speaker ruled that no *prima facie* breach of privilege had been established, principally, because the Assembly itself had created provisions in the *Provincial Auditor's Act* to allow the Auditor to perform special assignments for the Lieutenant Governor in Council. Speaker Rolfes concluded that the House, in passing the legislation, confirmed that should the Auditor accept a special assignment from the executive, it would not necessarily compromise his independence nor impair his ability to serve the Legislative Assembly.

Finally, to return to the matter of supply for the remainder of the fiscal year, Finance Minister

Tchorzewski moved a motion asking the Assembly to set aside its normal budget procedures by exempting the government from introducing estimates. The minister argued that his government had been hamstrung by the failure of the previous administration to pass its budget before proroguing the Assembly. He also stated that given the circumstances, there would be no opportunity to prepare a new budget in the little time remaining in the fiscal year. The government, he said, was not prepared to run on special warrants.

The opposition responded by attacking the proposal as contrary to the principle of grievance before supply. Opposition House Leader **Bill Neudorf** likened the motion to a "suspension of the Saskatchewan constitution," done in the name of political convenience. The Leader of the Opposition accused the government of attempting to hide its inexperienced cabinet ministers from scrutiny during departmental estimates. For its part, the government argued that it was the opposition, when they were the government, that had ignored the principle of grievance before supply by operating on special warrants instead of passing a budget when they had the chance. The minister noted that under his proposal, the appropriation bill would be considered in the normal fashion and that opposition members would have unlimited time to ask questions and debate. Debate on the financial procedural motion lasted to the late hours of Saturday, December 21. The appropriation bill was then introduced, debated and granted royal assent shortly after midnight.

Gregory A. Putz
Clerk Assistant

Alberta

On an annual basis, the Standing Committee on the Alberta Heritage Trust Fund reviews its investments in order to ensure that the monies dispersed are living up to the mandate of the Heritage Fund. On October 21, 1991, the fifteen member Standing Committee commenced their annual hearing in the chamber of the Alberta Legislature. Those before the Standing Committee included the Premier, the Provincial Treasurer, selected ministers from thirteen departments, the Auditor General and representatives from the Alberta Heritage Foundation of Medical Research.

Dick Johnston, the Provincial Treasurer, was the first to appear before the Standing Committee. He confirmed that as of March 31, 1991, the total value of the Heritage Fund exceeded \$15.3 billion in financial and deemed assets. It should also be noted that the Heritage Fund contributed \$1.34 billion to the General Revenue Fund in 1990-91.

Among the individuals selected to appear before the Committee was Rick Orman, Minister of Energy. The Minister responded to questions from the Standing Committee regarding investments concerning the Syncrude project, the Lloydminster Bi-provincial Upgrader, for example, which is jointly funded by the Heritage Fund and other investors, received \$109 million from the Heritage Fund. This project is expected to create 1,500 permanent jobs.

The Minister of Advanced Education, John Gogo, appeared before the Standing Committee to explain the principle project under his portfolio, the Alberta Heritage

Scholarship Fund. Since its inception in 1981-82, over \$88 million has been awarded to 63,000 recipients. Scholarships are given to students who possess a distinguished level of expertise in fields such as arts, humanities, sciences, and athletics.

Ray Speaker, Minister of Municipal Affairs, responded to a variety of questions from the Committee. Among the topics for questioning was the decision to divest a portion of Alberta Mortgage and Housing Corporation's assets which are not part of the government's social housing needs. The Minister also discussed the restructuring of the Corporation itself, and the effects this would have on program administration and coordination. Over the years, Heritage Fund financing has helped deliver over 40,000 housing units to low income seniors and families, disabled persons, and those with special needs.

Fred Stewart, Minister of Technology, Research and Telecommunications, also appeared before the Committee. The Minister answered questions relating to the Electronics Test Centre, the Alberta Heritage Foundation for Medical Research, the Alberta Microelectric Centre and the Individual Line Service Program. Also included in the discussion was the privatization of Alberta Government Telephones, which was accomplished through the public offering of TELUS Corporation shares. With sales of \$896 million, this was the largest common share offering in Canadian history.

Upon completion of the hearings, the Standing Committee assumed its second function, that being to formulate recommendations concerning the investments of Alberta Heritage Savings Trust Fund. Each recommendation must be discussed, voted on and then approved by the Standing

Committee. A document titled *The Report of the Standing Committee on the Alberta Heritage Savings Trust Fund Act* will soon be released to the public. This document will provide an overview of what occurred over the duration of the Committee's meetings.

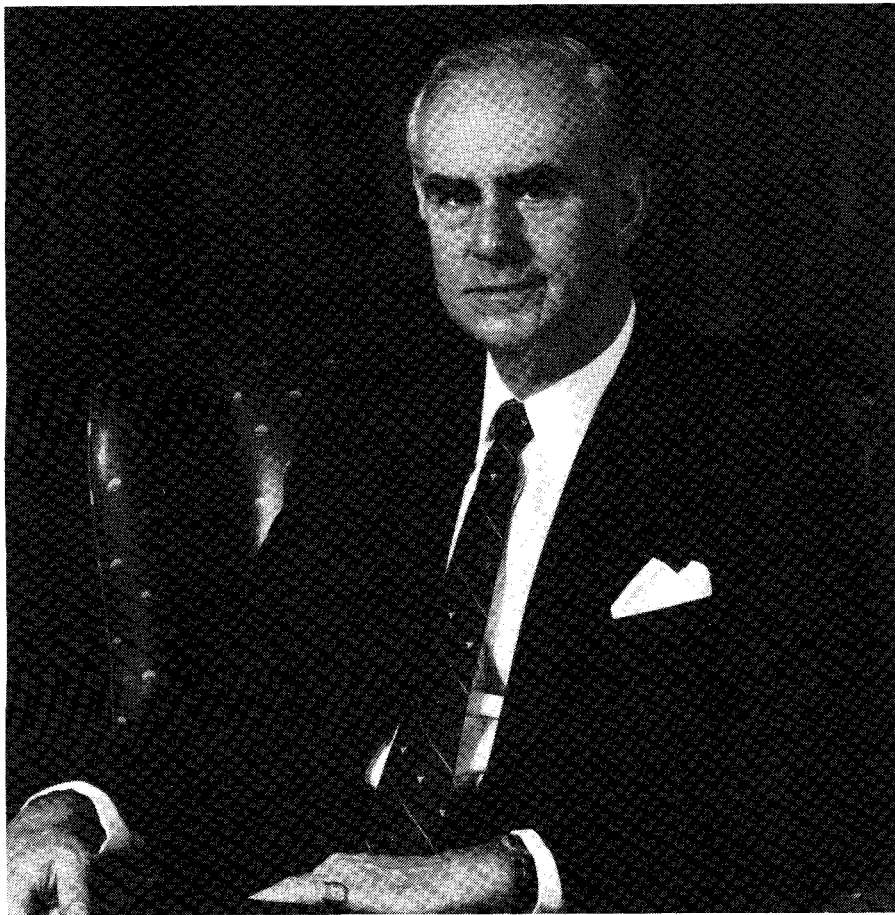
In summation, income from the Alberta Heritage Savings Trust Fund will continue to be an important source of provincial revenue. The Heritage Fund should not be expected to grow as rapidly as it once did due to lower oil and gas prices, and an overall, slower economy. However, it remains essential to the long term viability of the Heritage Fund to conduct an annual comprehensive review of its investments, so that the people of Alberta may be assured that the investments are fulfilling the original mandate established for the Fund in 1976.

Laurie MacKay and Mark Patton
Legislative Interns
Alberta Legislative Assembly

Ontario

On 19 November 1991, Prime Minister Brian Mulroney appointed Henry Newton Rowell Jackman as Ontario's new Lieutenant Governor. Mr Jackman succeeded the popular Lincoln Alexander, who was the first black person in Canada named to a vice-regal position. The installation of His Honour took place on 11 December 1991 in the Legislative chamber.

The First Session of Ontario's 35th Parliament prorogued on Thursday 19 December 1991 after 122 sessional days. In the first year of



Hon. Henry Newton Rowell Jackman

Premier Bob Rae's government, the House gave final approval to 66 pieces of government legislation out of a total of 91 bills introduced. Eighty Private Members' Public Bills were presented to the House for introduction and first reading. Of these, two received Royal Assent: Bill 18, *City of London Act 1990*, introduced by David Winninger (N.D.-London South); and Bill 31, *Representation Amendment Act, 1991*, introduced by Noble Villeneuve (PC-S.-D.-G. and Grenville). 64 Private Bills were introduced, of which 50 received Royal Assent.

Prior to prorogation, in the last weeks of December, opposition questions during Question Period focussed on remarks made by the Minister of Northern Development

and Mines, the Honourable Shelley Martel, at a cocktail reception in Thunder Bay on 5 December 1991, and related matters. It was alleged by a Thunder Bay alderman, Evelyn Dodds, that Miss Martel had claimed to have seen confidential files relating to a Sudbury doctor, and to have had knowledge of criminal wrongdoing. In response to questions, Miss Martel said:

"...I was involved in a private conversation with a few people at a reception Thursday night. The conversation became very heated, and I made comments which have no basis in fact and were unfounded. I contacted those who had been involved or who were implicated by this and said to them very clearly that the comments made were without

foundation and not based on fact. I offered them my apology. I regret very much the incident that occurred."

Miss Martel's often-reiterated statement did not lessen Opposition requests for the Minister's resignation and/or for an inquiry. In a related development, a newspaper article on 11 December revealed that confidential Ministry of Health information had apparently reached the press before the Minister's remarks. Consequently, the Minister of Health, the Honourable Frances Lankin, acknowledged to the House that she had been incorrect in earlier assuring that no confidential Ministry of Health information had been disseminated.

Following a period of threats to have the House sit over Christmas and into the new year, an agreement was reached to refer the matter to the Standing Committee on the Legislative Assembly for a public inquiry. (See Committees section below).

On Tuesday, 21 January 1992, Premier Rae delivered a televised address to Ontarians on the state of the provincial economy during the current recession. The Premier summarized the situation: "On the income side, and I'll be blunt, we're getting hammered. At exactly the time when demands have never been higher... we have less money to handle them". In separate remarks, the Treasurer, the Honourable Floyd Laughren, revealed that the anticipated 1992-93 deficit could increase from \$8.9 billion to \$14.3 billion. The Premier's 20-minute speech was carried by the 3 major television networks, which also broadcast the responses by interim Liberal Leader, Jim Bradley, and Progressive Conservative Leader Mike Harris. An estimated one-third of Ontario adults viewed the broadcast.

In the early morning hours of 9 February 1992, **Lyn McLeod** became the first woman to head a major political party in Ontario when she won the leadership of the Ontario Liberal Party. McLeod's victory came after 10 hours of voting and 5 ballots. Her margin of victory over second place finisher Murray Elston was a mere 9 votes of 2,336 cast. Twenty-one ballots were spoiled. The other contenders were **Greg Sorbara**, **Charles Beer**, **Steve Mahoney** and **David Ramsay**. **Lyn McLeod** was first elected to the Legislature in 1987 and served as Minister of Colleges and Universities and Minister of both energy and natural resources.

Three weeks later, Liberals were victors in the first byelection of the 35th Parliament. The Liberals retained their stronghold on the riding of Brant-Haldimand with the election of **Ron Eddy**. Mr. Eddy

received approximately twice as many votes as did the second place finisher Conservative **David Timms**. The New Democratic candidate, **Chris Stanek** finished in third place, slightly ahead of Family Coalition Party candidate **Don Pennell**. **Ron Eddy** succeeds Liberal **Robert Nixon** as the Member for Brant-Haldimand. Mr. Nixon held the seat for 29 years and resigned to become Ontario's agent-general in London.

On 13 February, **Will Ferguson** (N.D.-Kitchener) announced his resignation as Ontario Energy Minister in order to "clear his name". The former Minister referred to a "serious allegation" that was "false and unfounded" arising from a police investigation into charges of abuse at a girls' reform school. Mr. Ferguson's was the fifth departure from Premier Rae's cabinet in its 16 months of

existence. Responsibility for the Energy portfolio was assumed by Financial Institutions Minister, the Honourable **Brian Charlton**.

Committees

The Standing Committee on Administration of Justice began concurrent public hearings on 10 February 1992 on 2 private member's bills and 4 government bills. Bill 7, *An Act to amend the Powers of Attorney Act*, introduced by **Norm Sterling** (PC - Carleton), provides for a durable power of attorney with respect to consent and withdrawal of consent to medical treatment. Bill 8, *An Act respecting Natural Death*, also introduced by Mr. Sterling, recognizes the right of adult persons to make written declarations (living wills) that instruct physicians or other health-care workers to withhold or withdraw life-sustaining procedures in the event of a terminal condition. 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 are scheduled for



Lyn McLeod

3 weeks in February and March. The Committee expects to commence clause-by-clause consideration of these bills after the House re-convenes in April.

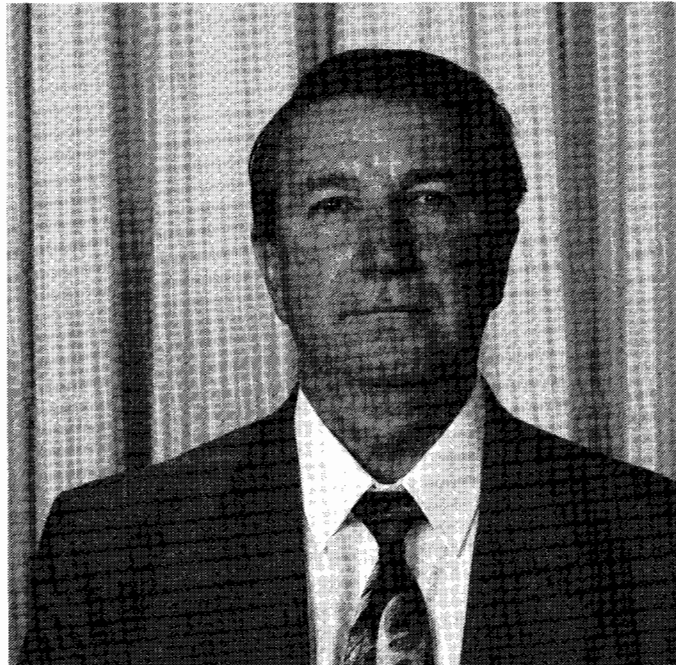
The Standing Committee on Finance and Economic Affairs began its annual pre-budget consultation hearings, inviting groups from the so-called 'MUSH' sector (Municipalities, Universities/Colleges, Schools, Hospitals) to give their views and recommendations on the next provincial budget, expected sometime in April or May.

The MUSH sector represents about 1/3 of all spending by the provincial government, so the Committee dedicated a separate group of hearings to this sector, and issued an Interim Report dealing only with the MUSH sector.

The Committee plans to continue its pre-budget consultations during the Winter and to issue a final report on all of its hearings in March.

The Committee has also accepted an offer from the Treasurer of Ontario, **Floyd Laughren**, to hold hearings and offer its advice on the issue of budget secrecy. The Treasurer has told the Committee that the secrecy convention limits the amount of information that can be shared with the public concerning the possible fiscal and economic steps that a government may be considering, leading to a less than accessible, meaningful process. The Committee will gather information in hearings during the winter and may offer advice to the legislature and the Treasurer in the Spring.

The Committee will also be holding hearings on a government bill to provide for the creation of labour-sponsored venture capital corporations in order that employees can seek and obtain ownership of their companies. The Committee expects to be in a position to report the bill to the



Ron Eddy

House shortly after the House meets for the 2nd Session.

The Standing Committee on General Government continued consideration of Bill 121, An Act to amend the Law related to Residential Rent Regulation. The Bill is to replace the *Residential Rent Regulation Act*.

The Committee completed clause-by-clause consideration of Bill 121 on 30 January 1992 after considering close to 200 amendments. The bill will be reported to the House upon the commencement of the next Session.

The Standing Committee on Government Agencies continued its scrutiny of intended appointees to Ontario Government agencies, boards and commissions. In 1991, the first year of the new appointments review process, the Committee interviewed a total of 79 nominees. None of the recommended appointments was not concurred in by the Committee. During the Recess, the Committee scheduled a follow-up meeting with the Premier's Director of Public

Appointments, **Carol Phillips**, to discuss the effectiveness of the process during the first year, and possible modifications.

The Recess also provided 3 weeks of meeting time for the Committee's traditional review of the operation of agencies. Seven new agencies were called before the Committee: Ontario Board of Parole, Eastern Region; Ottawa Carleton Regional District Health Council; Community Advisory Board of Brockville Psychiatric Hospital; Metropolitan Toronto Police Services Board; Ontario Northland Transportation Commission; and Grand Valley Conservation Authority. The Committee also finalized its draft reports on agencies reviewed in 1991.

The Standing Committee on the Legislative Assembly completed its report on the year-long review of the *Freedom of Information and Protection of Privacy Act, 1987*. The report was tabled in the legislature on 11 December 1991. Among the report's 81 recommendations were: that coverage of the Act be extended to include administrative and

support services of the Legislative Assembly, as well as all Ontario government agencies; that private sector corporations be encouraged to implement voluntary privacy protection codes; that Ontario police practices respecting release of personal information under the provincial and municipal acts be reviewed one year from the date the Municipal Freedom of Information and Protection of Privacy Act came into effect; and that requesters of information to be used for commercial purposes be required to pay full costs associated with such requests.

On 19 December 1991, just before the House was prorogued, the Committee was charged with undertaking a major inquiry, whose terms of reference "include but are not limited to:

- an investigation into the disclosure of confidential information emanating from the Ministry of Health, including documentary and viva voce evidence;
- an investigation into the conduct of the Minister of Northern Development and Mines in Thunder Bay, Ontario on 5 December 1991, and the events leading up to her attendance in Thunder Bay; and
- an investigation into the dissemination of information obtained from the Ministry of Health.

Pursuant to the Committee's extraordinary terms of reference, the chair of the Committee passed to a member of the Official Opposition, **Steven Offer** (L - Mississauga North), and many of the Committee's powers passed to the Sub-committee on Committee Business, dominated by opposition members. The Sub-committee

prepared for hearings exercising "ultimate decision-making power with respect to the calling of witnesses and any other procedural aspects of the proceedings and all matters arising relevant to the execution of the terms of reference of the Committee". Hearings were scheduled to last over 3 weeks, with a final report to be tabled on or before 15 April.

The Standing Committee on the Ombudsman met during the Recess to write its annual report to the House.

The Select Committee on Ontario in Confederation held hearings through the month of November to deal with the federal proposals on Constitutional reform. Several constitutional experts and interest groups from across the province made representations to the Committee.

The Committee released its Final Report on 5 February 1992 and made recommendations addressing the following major themes: fundamental characteristics and values of Canadians; Charter of Rights and Freedoms; aboriginal issues; Quebec's future in Canada; division of powers; national institutions and the political system; and, the process of constitutional reform.

The Standing Committee on Public Accounts continued its review of substance abuse programmes. The Committee plans to table its report early in the new Session. The Committee reviewed areas of the Provincial Auditor's 1991 Annual Report during the Recess starting with a review of the Toronto Hospital.

The Standing Committee on Resources Development held hearings on Bill 124, *An Act to amend the Highway Traffic Act*. This private member's bill introduced by Dianne Cunningham (PC - London North) would legislate the wearing of

bicycle helmets. The Committee will continue hearings on this bill in the next Session.

The Committee also held public hearings on Bill 118, *An Act to amend the Power Corporation Act*, in Thunder Bay, Sioux Lookout, Timmins, Ottawa, Kingston, Chatham, Guelph, St Catharines and Toronto. The bill will be reported to the House at the commencement of the 2nd Session.

The Standing Committee on Social Development conducted public hearings and clause-by-clause consideration on Bill 135, *An Act to provide for the Payment of Physicians' Dues and Other Amounts to the Ontario Medical Association* on 2,3 December 1991 and reported the bill to the House without amendment.

On 10 December 1991, Bill 143, *An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act*, was referred to the Committee for consideration during the Recess. Public hearings in Toronto, Sudbury, Kirkland Lake, Kingston and Sarnia were conducted prior to the Committee proceeding to one week of clause-by-clause consideration. This will enable the Committee to comply with its terms of reference requiring a report to the House on the first available day of the Spring meeting period that reports from committees may be received. In the event that the Committee fails to report the said bill on the date provided, the bill shall be deemed to be reported to and received by the House.

Doug Arnott

Committee Clerk