

## REPORTS ON LEGISLATIVE ACTIVITIES



### BRITISH COLOMBIA

During the period from May 1 to July 31 the House sat for 56 days meeting on 59 occasions. Nearly half of its time was spent dealing with government legislation the bulk of which was introduced after May 1. Thirty bills were introduced and twenty-three passed by July 31. Nineteen government bills are still on the order paper. The above legislative programme may be classified as Financial Bills (8), Policy & Administrative Measures (30) Housekeeping Measures (4) and Special Projects (3).

The financial bills include legislation authorizing two sets of interim supply, legislation implementing the governments fiscal policy for 80/81, some financial housekeeping measures, and legislation to authorize funding for several special projects.

The bills dealing with policy and administrative matters encompass a wide range of issues few of which seem to constitute major new programmes and all of which appear to be oriented towards improving certain aspects of government administration.

Some of the major legislative initiatives would likely include the *Forest Amendment Act*, the *Employment*

*Standards Act*, the *Private Investigators and Security Agencies Act*, and the *Family and Child Services Act*.

Worthy of note also are bills dealing with several special projects envisaged by the government including the *Transpo '86 Corporation Act*, the *Trade and Convention Centre Act*, and the *British Columbia Place Act*. These bills are designed to facilitate three large scale projects in Victoria and Vancouver. It is likely that the debate in the House on these proposals will spark a lively exchange between government and opposition members.

### COMMITTEE ACTIVITY

The legislature devoted a great deal of time to the consideration of the Government's spending estimates. Progress in processing the estimates has been modest. Eight ministerial estimates were approved in almost 109 hours of debate yet fifteen packages of estimates remain to be approved before the House rises for the summer. There is no time limit for proceedings in committee of supply. The 135 hour time limit rule that was in place before 1976 was repealed by the current administration when it came to power. As may often be the case in supply estimates, some of the "smaller" estimates receive a great deal of attention for obvious political reasons. For example, the Premier's Office estimates, set at \$551,612, received 57 hours and 15 minutes of review before they were approved on May 20, 1980. By comparison the estimates for the Ministry of Health, set at \$1,550,985,584, received 18 hours and 54 minutes of review before they were approved on July 21, 1980. Nevertheless, the committee of supply has been extremely perseverant.

A number of private members bills were given first reading in the House but out of the six bills introduced, none were called, and fourteen private members bills are left on the order paper. Historically speaking, private members bills in B.C. appear to have had little, if any, chance of acceptance. Out of the bills on the order paper, some appear to be recycled from previous sessions and some appear very new. Two of these private members bills may be of special interest to parliamentarians from other jurisdictions.

On March 12 1980, Mr. **Stu Leggatt**, N.D.P. member for Coquitlam-Moody, introduced Bill M202, an act respecting the televising and other broadcasting of debates and proceedings of the Legislative Assembly of British Columbia. If passed, this bill would authorize the broadcasting of all of the debates and proceedings of the House. Interestingly enough, several cabinet ministers have recently and independently endorsed in the media the concept of broadcasting the activities of the House.

On May 8 1980, Mrs. **Eileen Dailly**, N.D.P. member for Burnaby North, introduced Bill M209 an act establishing the right to public information and the protection of individual privacy. If passed, this bill would give B.C. its own version of freedom of information legislation.

The legislature also has ten select standing committees. Four have been active in the period under review scheduling 19 meetings and filing 3 reports with the House. The most active committee was the Select Standing Committee on Public Accounts and Economic Affairs. It met 8 times under the chair-

manship of **Ernie Hall**, N.D.P. member for Surrey. The Select Standing Committee on Standing Orders and Private Bills met 5 times under the chairmanship of **Bruce Strachan**, Social Credit member for Prince George South and has filed 3 reports in this quarter. The Crown Corporations Committee met 5 times under the chairmanship of **Jack Kempf**, Social Credit member for Omenica. It traditionally files an annual report to the House.

In addition, the House's Special Committee on Privilege met 4 times in this period. This committee was appointed in March to investigate a question of privilege raised by the **James Nielson**. The chairman of the committee was **B.R.D. Smith**, while **Stu Leggatt** served as secretary. It was a unique committee in the context of B.C. politics as members set aside their partisan differences to examine an important and serious matter relating to the freedom of interaction between an M.L.A. and his constituents. The final report was filed in the House on June 6, 1980.

## OFFICE OF SPEAKER

The past few months have presented an unusual set of challenges for the presiding officer. **Harvey Schroeder**, Speaker of the House, was sidelined after a heart attack at the end of March and is still recovering at his Chilliwack home. **Walter Davidson**, Social Credit M.L.A. for Delta, who was only appointed Deputy Speaker on February 29 1980, assumed most of the Speaker's duties after April 1, 1980.

The session has been a busy one for the chair. Mr. Speaker was required to deal with nine points of order, four alleged questions of privilege, and six urgency motions. He was required to give 14 rulings, several of which were challenged by the opposition and subsequently sustained by the government's majority. Due to the slim working majority of the government (4 seats) and a number of illnesses in the government ranks, Mr. Davidson has been required to serve both as Speaker and Deputy Speaker. The latter position traditionally requires service as chairman of committee of supply. Thus the period has

quite likely been an intense learning experience for the Deputy Speaker.

## OTHER DEVELOPMENTS

During this period several special events occurred. On May 7 1980, the government called Motion 10 from the order paper. This motion, moved by Prime Minister **Bill Bennett**, seconded by Opposition Leader **Dave Barrett**, was designed as B.C.'s position on national unity in anticipation of the May 20 referendum in Quebec. It read:

Conscious of the great achievements of Canada's past, confident in the promise of its future, and desirous of maintaining a country united from sea to sea, this House reaffirms its commitment to Canada and its desire to continue to pursue those reforms which are necessary to provide the opportunity for the people of all the regions of our land to reach their full potential within a united country:

And this House joins all Canadians in expressing to the people of Quebec our love of country, our desire for continued unity, and that they continue to be, with us, a part of our great nation.

It was unanimously approved on May 8, 1980.

On July 2, Prime Minister Bennett announced in the legislature that he was hosting a joint meeting of the Alberta and B.C. cabinets. This meeting was subsequently held on July 11, 1980. It was labelled as an historic exchange between the governments of the two most western provinces.

In the House on June 4, Mr. Speaker tabled the first annual report of the Ombudsman for the year ended December 31, 1979. On July 7, Mr. Speaker announced that four M.L.A.s would constitute the B.C. delegation to the National Conference of State Legislatures convening in New York City. On July 29, the House commenced two daily sittings, in the hope of earning an earlier recess but by the first week of August the House was still in session.

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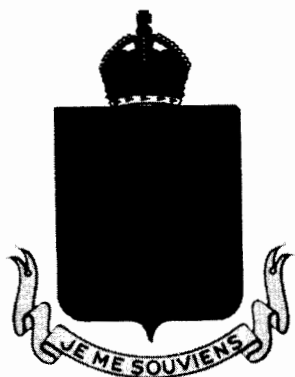
## SASKATCHEWAN

The Legislative Assembly was prorogued on June 17 ending the longest single session in Saskatchewan's history after 81 sitting days. The session was prolonged by acrimonious debate on the Department of Northern Saskatchewan estimates, lengthy debate on a bill giving the province further powers over telecommunications through its Crown corporation Sask Tel, and by a 42 hour filibuster by the two members of the Unionest Party against Bill 105. This bill amended the *Legislative Assembly Act* in such a manner as to deprive the Unionest Party of third party status in the Assembly and to make the party ineligible for certain grants and allowances.

The *Members of the Legislative Assembly Conflict of Interests Act*, first passed in 1979, was amended to require present Members to make their initial declaration of their interests by August 15, 1980. An update declaration must be filed each year thereafter. Other substantial pieces of legislation passed during the session included a bill to provide for the preservation, interpretation and development of certain aspects of heritage property, amendments to environmental legislation to give the department strengthened regulatory powers, to establish ecological reserves and to provide for environmental impact assessments to accompany new developments. A new Department of Economic Affairs was established and legislation to change the fuel tax to a percentage of retail price was passed similar to the steps taken in Quebec and Manitoba. Labour standards legislation was amended to provide for paternity leave of six weeks to fathers at the birth of a child.

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## QUEBEC



The fourth session of the 31st Quebec Parliament was prorogued shortly after midnight on June 19 by Lieutenant-Governor Jean-Pierre Côté. The 115th sitting of the National Assembly went down as the longest ever by a Quebec Parliament. It began on March 6, 1979 under the watchful eye of television cameras which, for the first time, were broadcasting parliamentary debates to the homes of Quebeckers. Suspended on April 15 for the referendum campaign, sessional activities resumed on June 3 and were briskly conducted. Thirty-seven sittings of parliamentary committees in sixteen days made it possible to study budgetary credits and bills which the government of Prime Minister **René Lévesque** wanted passed before the summer vacation. In all parliamentary committees sat 322 times during the session.

### THE CONSTITUTIONAL PROBLEM

It was inevitable that the constitutional problem would be raised in the National Assembly following the May 20th referendum. The leader of the Official Opposition, **Claude Ryan**, asked for a special debate to discuss the attitude which the government planned to adopt at the First Ministers' conference on the constitution. The debate took place with the unanimous consent of the Assembly within the framework of the budget speech debate which had not yet ended.

In a six-point statement, Mr. Ryan noted that Quebeckers expected a sincere commitment on the government's part to promote the reform of Canadian federalism while firmly defending Quebec's interests and respecting the fundamental principles of feder-

alism including the will of the citizens of Quebec to remain within Canada. He submitted that Quebeckers expected from the government a clear commitment to participate in an active, positive, constructive and creative manner in the search for solutions which could make the Canadian federal system more just, more democratic, more dynamic and more acceptable to Quebec and to citizens from all other parts of Canada. He asked the government if it was prepared to meet these requirements.

Speaking in the same vein, the Interim Leader of the Union Nationale, **Michel LeMoignan**, stressed the need to convene the parliamentary committee on the constitution in an attempt to obtain a consensus from all parties with respect to Quebec's true stand on the constitution. **Camil Samson**, Leader of the Democrats, maintained that the government could not negotiate in good faith an option contrary to its own and declared that an election should be called.

The Prime Minister replied that Quebeckers had given Canada another chance and that, as the government, his party must, honestly and in good faith, discuss with the other provinces in order to see if federalism can finally enable two different nations to find and experience for themselves and for their citizens this equality of rights and opportunities without which nothing will be resolved.

Mr. Lévesque stated that he had committed himself, to putting his government's program on the back burner and to seek, as positively and as honestly as possible, the eventual solution within the system. He pledged to keep this commitment. He said the past was a guarantee of the future and that in the past four years, his government had never duped the citizens of Quebec who had put their trust in him and had no intention of deceiving them now. The Leader of the Government then went on to list the traditional claims that all previous governments had made and said he also intended to make them.

### DRAFT BILL ON THE NATIONAL ASSEMBLY

The President of the National Assembly, **Clément Richard**, presented to the

Assembly a draft bill intended to update the status of the legislature. He explained that the draft bill grouped together and modernized a series of existing legislative provisions which over the years and following successive amendments, had come to lack cohesion and unity. Certain provisions found in other pieces of legislation which fit in better with the National Assembly Act have also been incorporated.

The draft bill also proposed several new elements to members of the National Assembly, elements which, in certain cases, have been requested for a long time and which reflect the evolution of tradition and parliamentary customs.

If the draft bill is passed, the opposition will be represented on the National Assembly Executive Council. It is not presently represented on the Committee on Internal Economy which oversees administrative duties. Moreover, the bill provides for the appointment of a legal consultant for the Assembly. The consultant would be appointed upon a proposal from the Prime Minister and with the approval of two thirds of the members of the National Assembly. This person, would be responsible for providing any Member who so requests with a written consultative notice based on the conformity of his official actions with provisions governing conflicts of interest. A member would not be committing an offence if he had previously submitted a request and had received a notice that his actions did not contravene the provisions respecting conflicts of interest, provided that the alleged facts supporting his request had been submitted in a complete and accurate manner.

The Committee on the National Assembly met subsequently to form a sub-committee which was given the mandate to proceed with the study of the draft bill. This sub-committee is chaired by Speaker Richard himself. Members include **Claude Charron** the Government Leader, and MNA's **Guy Chevette**, **Roland Dussault**, **Gilles Michaud**, **Fernand Lalonde**, **Harry Blank**, **Serge Fontaine**, and **Camil Samson**. The designated substitutes are

Messrs. **Richard Guay**, **Adrien Ouellette** (PQ) and **Yvon Brochu** (UN). The Leader of the Official Opposition, Mr. **Gérard-D. Lévesque**, who is also the dean of the Assembly, is an ex-officio member of the sub-committee. The sub-committee will begin sitting during the month of August.

## IRREGULAR PROCEDURE

The President of the National Assembly did not allow the Minister of Justice, Mr. **Marc-André Bédard**, to replace a bill which had been given first reading with a new version containing many amendments to the original text. Bill 83 in December 1979 proposed various amendments to the civil procedure code, the Civil Code and the Social Assistance Act. After its adoption during first reading, the Minister of Justice received many requests to include new elements in the proposed bill. Several changes were introduced, making it necessary to reprint the bill for easier reading.

The Bill was reprinted, but kept the same number and name. When the minister tabled the new printed version of the bill on June 11, Liberal MNA **Claude Forget** objected that it was technically a new bill since substantial changes had been made and that it should have been tabled under another number, after having been put on the order paper.

In handing down his decision, Speaker Richard, invoked two sections of the Standing Orders which mention instances where reprinting is not only permissible, but mandatory. In these two cases, the act of reprinting the text makes the bill conform to what the legislator has proposed or decided and adds no new elements. In short, the purpose of reprinting is to facilitate the reading of a bill which, after having undergone certain phases and modifications, might still undergo further changes.

In the case of Bill 83, MNAs had already had an opportunity to express their views during first reading, in accordance with section 117 of the Standing Orders. If new provisions are introduced by means of a reprinted bill, it can be

claimed that MNAs have not been given the opportunity, during first reading, to express their opinions clearly, all the more so given that the explanatory notes to guide them in their voting are slightly different from those in the original bill. As the protector of the rights of all Members, the President could not accept the reprinted version of the bill. The bill was reintroduced for first reading under number 183 at the following sitting and was subsequently adopted after undergoing the various stages of procedure. Among other things, the bill stipulates that an alimony collector appointed by the Minister of Justice can seize personal property and act as a creditor in various collection procedures.

## ELECTORAL LISTS

There will be no enumeration of electors in ridings for which the seat is vacant in the National Assembly if by-elections are held before the next general election. Bill 111, an Act to amend certain electoral provisions, stipulates that the electoral lists in effect at the time of the referendum of May 20, 1980, will be used for any by-election held between now and the dissolution of the current Parliament. Under another section of the bill, the Chief Electoral Officer can conduct an enumeration as soon as possible after a by-election has been held. Moreover, the new bill sets the exact time for recording a voter's name on the electoral list. The section covering this procedure in the previous bill stipulated that in order to be allowed to vote, a person's name must appear on the electoral list at the polling station near his residence the day the revision of the lists is completed.

## MUNICIPAL DEMOCRACY

Significant amendments were made to legislation respecting elections in certain municipalities and to the *Cities and Towns Act* by Bill 105. Introduced by **Guy Tardif**, Minister of Municipal Affairs, the bill extends provisions regarding the division of municipalities in elec-

toral districts to municipalities with a population of 20,000 or more. It also makes mandatory, in municipalities of 20,000 or more, the provisions governing the financing of municipal political parties and candidates for municipal elections. Adopted "on division". The bill increases by approximately 24% the remuneration scale of municipal officials. It also provides for the indexing of these scales each year beginning January 1, 1981. Municipal councils must also hold a question period at each meeting, and Municipal council members must submit a statement of their financial interests within sixty days following their election.

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## SENATE AND HOUSE OF COMMONS

The legislative accomplishments of the early months of the 32nd Parliament were fairly modest although before adjournment the government introduced two important measures: an access to information bill and a bill to make the Post Office a Crown Corporation. Both will be dealt with when the House resumes in the fall. A total of 25 bills received Royal Assent including one to make "O Canada" the official national anthem. Parliament also increased the Guaranteed Income Supplement by thirty-five dollars, increased pensions to widows of disabled veterans, approved the government's appropriation bill, and passed a number of bills extending present legislation until members have

an opportunity to study matters in more detail. On June 25 the Liberals defeated an NDP non-confidence motion which condemned the government for failing to lower taxes, stimulate economic growth and lower interest rates. The motion was identical to one which brought down the previous Conservative government.

The House finally adjourned in the early hours of July 23, five days later than expected because of New Democratic Party opposition to the government announcement that the Alberta section of the Alaska Highway natural gas pipeline would be built in advance of work on the more northerly section. The NDP accused the government of selling out future energy supplies without solid guarantees from the United States that the rest of the line between Alaska and the southern states would ever be completed. The Minister of Energy, **Marc Lalonde**, said the Cabinet had received assurances from American officials that the entire line would be finished by 1985. He said direct capital expenditures in Canada resulting from early construction would total \$1.6 billion and provide a \$2 million boost to the country's balance of payments problem. As a result of the opposition a vote was taken on an NDP motion to delay construction until financing for the entire line was assured. It was defeated by a vote of 153 to 28, with both Liberal and Conservative members opposing the motion.

An announcement by Mr. Lalonde, earlier in the session, of an increased tax on domestic and imported oil was also strongly criticized by the opposition parties. They protested not so much the need for a higher price, but that it was done in such a way that members had little opportunity to discuss the increase.

## COMMITTEE ACTIVITY

A new parliamentary Task Force was established on June 12. Like others created earlier in the session, the Task Force on a National Trading Corporation will consist of seven members. They include **Jesse Flis** (Chairman), **Murray Cardiff**, **Ian Deans**, **Claude-André**

**Lachance**, **Marcel Roy**, **John Thomson** and **Brian Tobin**. The Task Force will examine ways in which a Corporation could assist small and medium sized businesses to expand their export markets. It was instructed to submit a report by December 19, 1980.

On June 9 a Special Joint Committee of the Senate and House of Commons was established to consider the 1978 and 1979 reports of the Commissioner of Official Languages. On July 18 the Minister of National Defence, **Gilles Lamontagne**, moved that the Standing Committee on External Affairs and National Defence be empowered to undertake a study of future defence co-operation with the United States in the North American Region, particularly as it relates to air defence and the NORAD agreement. The House also approved a motion of the President of the Privy Council, **Yvon Pinard**, to empower the Committee on External Affairs and National Defence to receive and examine reports from official Canadian delegations which attend inter-parliamentary meetings.

In the Senate **Maurice Lamontagne** introduced a motion to authorize the Committee on Legal and Constitutional Affairs to consider and report upon "constitutional provisions regarding individual and collective rights and upon the future role and composition of the Canadian Senate and alternative constitutional arrangements compatible with true federalism".

On July 10, the Standing Committee on Elections and Privileges presented a report on two matters pertaining to contracts between the Minister of Employment and Immigration, **Lloyd Axworthy**, and a hotel in Winnipeg in which he has a part interest. The Committee found the Minister had no personal knowledge of changes in Timothy Leary's immigration permit which allowed Mr. Leary to perform in the Winnipeg hotel. Insofar as the hotel's contract with the Department for employment of handicapped workers, the Committee found once again that the Minister had no knowledge of the arrangement. But it recommended that in view of the wide range of federal

programs in existence the government "should consider the advisability of amending the Senate and House of Commons Act to resolve more clearly the question of the propriety of Members of Parliament receiving certain payments and advantages under various acts of general application".

A report of the Public Accounts Committee on "Procedures in Cost Effectiveness" was presented to the House on July 18. The Committee found that a number of public projects failed to satisfy criteria for minimum acceptable standards by which to judge management performance in capital projects. As a result it made a number of recommendations with respect to program evaluation, capital projects, and general ways to improve government accountability to Parliament. For example the Committee recommended a special committee of the House of Commons be established to review ongoing projects which have projected cost overruns. All effectiveness evaluations, including methodology and findings should be tabled in the House within sixty days of their completion and these should be referred automatically to the appropriate standing committee. Cost estimates for capital projects and analyses should be expressed in constant dollars. Guidelines should be established to ensure that decisions taken by departmental officials on the basis of political authority be supported by written instruction.

## RULE CHANGE

Victories for backbenchers, particularly those in opposition, are few and far between but one was achieved by a new Member of Parliament, **Pat Carney**. She managed to have the rules changed to allow "designated next of kin" instead of "spouses" to qualify for six annual free trips to Ottawa. The question arose when Miss Carney, who is divorced, protested that the old rule placed an unfair financial burden on single parents. Her attempt to have the Committee on Management and Members

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Services recommend a change was unsuccessful so Miss Carney appealed directly to the Speaker, **Jeanne Sauvé**. On July 8, Mrs. Sauvé took the initiative in approving the change. As a result Miss Carney ended a three-week self-imposed boycott of the House.



## ONTARIO

The highlight of the Spring sitting of the Ontario Legislature was the "Confederation Debate" which occupied the entire week of May 5-9. Some 82 Members spoke to a resolution which stated in part:

we the Legislative Assembly of Ontario commit ourselves, as our highest priority, to support full negotiation of a new constitution to satisfy the diverse aspirations of all Canadians, and to replace the "status quo" which is clearly unacceptable; And further, we affirm our opposition to the negotiation of "sovereignty-association"; And, therefore, we appeal to all Quebecers to join with other Canadians in building this national constitution; And further, we hereby appoint a Select Committee of the Legislative Assembly of Ontario on Constitutional Reform, to consider and report with dispatch on ways to achieve this objective.

The entire debate received full-scale television coverage, and simultaneous translation was provided in English and French for Members, observers and the television audience. Many Members spoke in both of the Legislature's official languages, and as well, speeches were made in Italian, Polish, Ukrainian, and Portuguese. The debate proved a substantial success in

setting out Members' views on the future of Confederation, and in stimulating thoughtful discussion of this crucial topic. At the debate's conclusion, the resolution was carried unanimously. A few weeks later the select committee was named to enquire into possible methods of constitutional reform. By order of the House, the television coverage was premised on the concept of an "electronic Hansard"; the guidelines followed were based on those employed in broadcasting of the House of Commons.

## SPEAKER'S RULING

In a controversial ruling, Speaker **John E. Stokes** took the unusual step of refusing to "see" a Member until he apologized for remarks adjudged to have been unparliamentary.

**Ed Ziemba**, MPP for High Park-Swansea, had accused two Members of, in effect, buying their seats through patronage appointments. Over the course of several days, the Speaker gave Mr. Ziemba a number of opportunities to withdraw his statements. When on June 2 Mr. Ziemba persisted in his refusal, Mr. Speaker ruled that this constituted an affront to the authority of the Chair and that the usual punishment of naming a Member for a single day was becoming ineffective. He thus refused to recognize Mr. Ziemba in the House, and requested committee chairman to do likewise. On appeal by the Leader of the Opposition, this ruling was sustained by the House. Mr. Ziemba is not prevented by this ruling either from voting in the House or from placing written questions and notices of motion. When the House adjourned for the summer in late June, Mr. Ziemba was still adamant about not withdrawing his remarks.

## OTHER MATTERS

On June 10, the Government lost the vote on second reading of a bill to establish a complaint procedure against the Toronto police force 61 to 55. This was the first major piece of government legislation defeated in the House for

several years. There were no indications either before or after the vote that the minority Conservative Government considered the bill a matter of confidence.

Shortly before the Summer recess, the Standing Procedural Affairs Committee presented a report entitled "Proposals for a New Committee System". This report makes the first thorough appraisal of the Ontario Legislature's Committees since the Camp Commission in 1975. Among the Committee's recommendations are proposals for smaller committees with fewer substitutions in membership; wide terms of reference for committees reviewing policy; ad hoc committees to deal with legislation; the establishment of a new Finance and Economic Affairs Committee to review estimates and government economic policy; improved staff support for committees.

The House recessed on June 19 and will resume on October 6. Members will be very busy during the recess with committee meetings. Literally dozens of meetings will be held by committees studying such diverse topics as constitutional reform, nuclear waste, the operation of Ontario Housing Corporation, the insurance industry and Government Land assembly policy.

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